United Nations CEDAW/C/BEN/1-3

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
7 November 2002
English
Original: French

Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States Parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Combined initial, second and third periodic reports of States parties

Benin*

* This document is being issued without formal editing.

03-46609 (E) 171103 171103

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Part One
Presentation of the Republic of Benin

It is proposed to make the presentation in four points, as follows:

- Territory and population;
- General political structure;
- General legal framework of protection of human rights; and
- Information and publicity.

1. Territory and population

1.1 Geographical situation and surface area

The Republic of Benin forms part of the West African region. It is bounded by Niger in the north, Burkina Faso in the northwest, Togo in the west, the Atlantic Ocean in the south and Nigeria in the East.

Surface area

Benin has a surface area of 114,763 sq. km.

1.2 Demographic data

According to statistical data published in the 1998 edition of the Social Log-book, Benin's present population is 5,985,680.

The population density in 1996 was 48.8 persons per sq. km.

1.3 Demographic characteristics

Benin's population is unevenly distributed over the national territory.

As in most underdeveloped countries, the ratio of male to female births is approximately 105-106 to 100. This ratio changes as people grow older, in line with the mortality and migration patterns, which are not the same for men and women.

Approximately 52% of the population is female as against 48% males.

Life expectancy at birth is 53.4 years (55.2 years women, 51.7 years men).

Benin's population, both urban and rural, has been growing steadily since 1993.

Urban

The urban female population has risen from 943,000 in 1993 to 983,000 in 1994, 2,093,000 in 1996 and 2,235,000 in 1998.

The male urban population rose from 896,000 in 1993 to 936,000 in 1994.

Rural

Benin's rural population has grown from 3,248,000, including 1,570,000 females, in 1993 to 3,751,000 today.

1.4 Growth rate

The natural population growth rate rose from 2.96% in 1990 to 3.20% in 1995.

1.5 Mortality rate

The infant mortality rate for both sexes has declined over the past ten years owing to concerted efforts to vaccinate the infant population against the six most lethal diseases. From 13.21% in 1990 the mortality rate fell to 9.86% in 1995.

The maternal mortality rate, for its part, has been going up and down in the past five years, rising from 2.46% in 1993 to 2.5% in 1994, falling to 2.33% in 1995 and, after another slight rise in 1996 (2.35%), falling again to 2.21% in 1997.

1.6 Characteristics of the population

The age of Benin's population forms a pyramid with a very broad base and a narrow top. The population as a whole is young, 49% consisting of children aged between 0 and 15 years (25% boys and 24% girls). Persons aged 60 or more account for 4.35% of the total.

Ethnic groups

Benin's population is composed of 42 ethnic groups, the largest being the Adja, the Fon, the Bariba, the Dendi, the Yoa-lokpa, the Peulh or Foulfoulbé, the Betamaribé and the Yoruba.

Languages

Benin is a Francophone country with French as the only working language. The main national languages are Fon, Adja, Yoruba and Bariba spoken by, respectively, 42.2%, 15.6%, 12.1% and 8.6% of the population.

Eighteen languages are used in mass education (broadcasting, adult literacy campaigns).

Religions

Several religions coexist in Benin. Animism and Christianity come first with 35% of adherents each, followed by Islam (20.6%). Other religions account for 1.9%, 0.7% of the population being listed as undeclared. Numerous sects have sprung up in the last few years.

Socio-economic indicators

Benin is classified as a low-income country with a low human development indicator.

The Human Development Reports for 1995, 1996 and 1997 list Benin in 155th place in 1992, 154th in 1993 and 146th in 1994.

As for the gender-related human development index (GDI), Benin came 124th out of 146 countries examined in 1997.

Gross National Product and Gross Domestic Product

According to 1997 data (Social Log-book), Benin's GNP is 380 USD. The real per capita GDP is estimated at 1,270 as against 3,240 for all developing countries taken together.

External debt

Benin's outstanding external debt rose from 3,213,530,000 CFAF in 1993 to 6,284,300,000 CFAF in 1994, 7,482,170,000 CFAF in 1995 and 7,571,570,000 CFAF in 1996. This rise is essentially due to the change in the parity value of the CFA franc in 1994.

Following a 67% debt remission granted to Benin and the resulting levelling-off of the outstanding debt, the amount of external debt estimated for 1997 by the Autonomous Depreciation Fund is 7,482,170,000 CFA.

2. General political structure

Benin's political history can be subdivided into four periods, as follows:

2.1 The pre-1960 period

The colony of Dahomey was created in 1894 by the merging of the ancient kingdom of Abomey and regions to the north with territories already occupied by the French to the south, such as Allada, Porto Novo, Houeda and Savi.

The colony was administered by the Governor of Porto Novo and was attached to the Government of French West Africa, whose Governor-General resided at Dakar.

Prior to independence in 1960, Dahomey had 24 successive Governors.

2.2 From 1960 to 1972

Dahomey became independent on 1 August 1960. From that date onwards, it met with many difficulties in adapting itself to the exercise of national sovereignty. Several successive governments came to power as a result of coups d'Etat. Within a period of 12 years the country had something like 10 heads of State.

2.3 From 1972 to 1990

The coup d'Etat of 26 October 1972 signalled the beginning of a new political era.

In the seventeen years between 1972 and 1990 Benin lived under a Marxist military regime characterised by the rule of a single party, the People's Revolutionary Party of Benin (PRPB), participatory trade-unionism, democratic centralism, Marxism-Leninism as the guiding political theory, nationalisation of vital economy sectors, etc.

On 30 November 1975 the Republic of Dahomey became the People's Republic of Benin.

From 1986 onwards the country entered a prolonged economic crisis, which reached its climax in 1989, when enormous financial difficulties rendered the State

incapable of meeting the costs of sovereignty. The bankruptcy of the country's financial institutions and the non-payment of wages that followed led to countrywide strikes. In 1990, all administrative services became paralysed until the holding of the national conference known as the National Conference of Vital Elements of the Nation.

2.4 From 1990 until the present

Following the National Conference of Vital Elements of the Nation held in February 1990, the People's Republic of Benin became the Republic of Benin. A transitional government ruled the country until the democratic presidential elections of March 1991. The Conference of Vital Elements opted for democracy and political pluralism, subsequently enshrined in the Constitution of 1990.

Since then, elections have been held every five years to appoint the President of the Republic and every four years to appoint the people's representatives to the National Assembly. The presidential and parliamentary elections that have been held testify to the fact that democratic procedures are gradually becoming part of the collective consciousness of Beninese men and women. All elections have taken place without any major incident.

3. General legal framework

The Constitution of 11 December 1990 provides a framework for the protection of women against all forms of discrimination. Through the rules set forth therein, the Constitution has made a number of positive changes towards strengthening the rights and freedoms of Beninese citizens of both sexes.

3.1 Constitutional provisions

The Constitution is the supreme law of the State. Its Title II is devoted to the rights and duties of the human individual. In its article 114, it sets up a Constitutional Court, which is the highest court of the land in constitutional matters. This court rules upon the constitutionality of laws and is responsible for guaranteeing fundamental individual rights and public freedoms.

The Constitution solemnly affirms the country's determination to "create a State of law and pluralist democracy, in which fundamental human rights, public freedoms, the dignity of the human individual and justice are guaranteed, protected and promoted as the necessary condition for the true harmonious development of every Beninese in the temporal, cultural and spiritual spheres."

Benin has incorporated in its Constitution (article 7) the rights and duties guaranteed by the African Commission on Human and Peoples' Rights, as adopted by OAU on 18 June 1981 and ratified by Benin on 20 January 1986.

Moreover, referring to human rights as set forth in the Charter of the United Nations (1945), the Universal Declaration of Human Rights (1948) and the African Charter of Human and Peoples' Rights adopted by OAU on 18 June 1981 and ratified by Benin on 30 January 1986, the Constitution reaffirms the Beninese people's attachment to all international instruments that take precedence over internal law.

Several constitutional provisions are concerned with the protection of women against all forms of inequality. Article 26 sets forth the general principle of equality between men and women and the protection owed by the State to mothers and children. Article 6 proclaims the equality of Beninese citizens of both sexes.

By declaring in its article 8 that the human person is sacred and inviolable, the Constitution reaffirms the State's undertaking to guarantee equal access to education, health, culture, information, vocational training and employment for all human beings. Article 9 sets forth the right of all human beings to the development and full flowering of the person in all its dimensions, material, temporal, intellectual and spiritual.

The right to life, liberty, security and personal integrity is guaranteed by article 15. Article 18 prohibits torture and all forms of cruel, inhuman or degrading treatment or punishment.

Under article 36 "every Beninese has the duty to respect his fellow men without any discrimination. He is duty bound to maintain such relations with other persons as are conducive to safeguarding, strengthening and promoting respect, dialogue and mutual tolerance in the interests of peace and national cohesion".

We may also cite article 98 of the Constitution, which deals with matters pertaining to nationality, personal status and capacity, succession, matrimonial regimes and procedures for bringing tradition and custom into line with domestic law.

To this legal arsenal should be added all the provisions of the African Charter of Human and Peoples' Rights, which forms an integral part of the Constitution and whose articles 2 and 18 deal more directly with discrimination.

Article 2 guarantees the enjoyment by everyone, irrespective of sex, of all the rights recognized in the Charter, and article 18, paragraph 3, provides that the State has the duty to "ensure the elimination of any discrimination against women and the protection of the rights of women and of the child as set forth in international declarations".

3.2 International instruments ratified by Benin

Desiring to show its determination to guarantee human rights, Benin has ratified or signed a number of international and regional human rights instruments. They include the following:

- International Convention on the Suppression and Punishment of the Crime of Apartheid, adopted on 30 November 1973 and ratified by Benin on 30 November 1974;
- Slavery Convention, adopted on 25 September 1926, ratified by Benin on 4 April 1962;
- International Covenant on Economic, Social and Cultural Rights, adopted on 16 December 1966 and ratified by Benin on 12 March 1992;
- International Covenant on Civil and Political Rights, adopted on 16 December 1966 and ratified by Benin on 12 March 1992;

- African Charter of Human and Peoples' Rights, adopted by the Organization of African Unity on 18 June 1981 and ratified by Benin on 20 January 1986;
- Convention on the Rights of the Child, adopted on 20 November 1989 and ratified by Benin on 3 August 1990;
- African Charter on the Rights and Welfare of the African Child, adopted in 1992 and ratified by Benin in May 1996;
- Convention on the Elimination of All Forms of Discrimination against Women, adopted on 18 December 1979 and ratified on 12 March 1992;
- International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965, signed by Benin on 7 February 1967;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 10 December 1984 and ratified by Benin on 12 March 1992.

3.3 Possible remedies for women victims of discriminatory acts in Benin

- Appeal to the Constitutional Court, which decides upon the constitutionality or otherwise of the act;
- Legal action, with all procedural guarantees, before courts of first instance, the Appeals Court and the Supreme Court;
- Administrative appeal, which may take the form of a complaint to a higher authority, hierarchical or otherwise;
- Appeal to a human rights institution.

Under article 125 of the Constitution of 11 December 1990, judiciary power is exercised by the Supreme Court and the courts and tribunals established in accordance with the Constitution.

State machinery

Act No. 64-28 of 9 December 1964 on the organisation of the judiciary recognizes the competence of the courts, the Appeals Court and the Supreme Court. Ordinance 21-PR of 26 April 1966 sets forth the membership, organization, operation and powers of the Supreme Court.

Under article 31 of this Ordinance, the Administrative Chamber of the Supreme Court is competent to deal with:

- Appeals, on the ground of excess of authority, against decisions by the administrative authorities;
- Appeals requesting interpretation and evaluation of the legality of acts by the administrative authorities in cases transferred to those authorities by the judiciary.

The Judiciary Chamber, for its part, deals with appeals, on grounds of incompetence or breach of law or custom, against decisions rendered in the last instance by courts and tribunals. It is also empowered to deal with:

- Requests for review;

- Requests, on grounds of legitimate suspicion, for the transfer of a case to another court;
- Requests for a finding of judicial misconduct on the part of a judge or a court;
- Conflicting decisions or judgments rendered in the last instance by different courts in cases involving the same parties and the same judiciary means.

The following administrative authorities are also empowered to deal with human rights issues:

- Ministry of the Interior, Security and Territorial Administration, for acts committed inside police stations or under police responsibility;
- Ministry of National Defence for acts committed by gendarmerie squads, in military or gendarmerie camps, or under the responsibility of the gendarmerie or the armed forces;
- Ministry of Justice, Legislation and Human Rights for all human rights violations affecting men, women or children);
- Ministry of Foreign Affairs and Cooperation for cases involving judiciary cooperation and extradition;
- The Presidency of the Republic for all breaches of citizens' human rights; and
- Ministry of the Civil Service, Labour and Administrative Reform.

At non-governmental level

The non-governmental institutions that sprang into life at the start of the Democratic Renewal are extremely vigilant in detecting and denouncing any act aimed at violating citizens' rights and freedoms.

The fact that so many non-governmental organizations and associations are cooperating with the Ministry of Justice in the struggle against human rights abuses proves that the historic Conference of Vital Elements of the Nation marked a positive turning point in the life of all components and social strata of our country's population. The organizations concerned with the protection of human and women's rights include the following:

- Association of Women Lawyers of Benin;
- *Association Béninoise pour la Promotion de la Famille* (ABPF);
- *Centre Béninois pour le Développement des Initiatives à la Base* (CBDIBA) ;
- Defense for Children International Movement (DCI-BENIN);
- Beninese Association for Child and Family Welfare (ABAEF);
- *Regard d'Amour* Foundation (FRA);
- Benin Human Rights League (LDH);
- Benin Human Rights Commission (CBDH);
- Association for Struggle against Regionalism, Ethnocentrism and Racism (ALCRER);
- Amnesty International (AI);

- Association for the Promotion of Human Rights (APDH);
- Christian Action for the Abolition of Torture (ACAT);
- Beninese Red Cross ;
- Institute for Human Rights and the Promotion of Democracy in Daily Life;
- Study Group on Democracy and Economic and Social Development (GERDES-BENIN).

The **Association of Women Lawyers of Benin** (AFJB) was established on 20 January 1990. It seeks to defend human rights, in particular those of women and children. It operates several legal aid centres in several *départements*, offering legal assistance to women applicants. It also provides training in women's and children's rights.

The ***Centre Béninois pour le Développement des Initiatives à la Base (CBDIBA)*** focuses its activities on the advancement and training of rural women. It runs legal "clinics" at which women can learn about their rights.

Defense for Children International (DCI-BENIN). The Beninese section was created in June 1990 and works towards the promotion and defence of the rights of the child. Awareness-raising, education and training in children's rights are the principal concerns. The section also offers free legal advice and deals with the problem of working children, particularly those employed as domestic servants, whose elementary rights are as yet unclaimed.

The **Beninese Association for Child and Family Welfare** (ABAED) was created in 1994. It seeks to promote the rights of the child so as to strengthen the family and to promote the family so as to strengthen the rights of children. It welcomes children and families and offers them legal and social assistance.

The **Benin Human Rights Commission** (CBDH), established by Act No. 89-004 of 12 May 1989, enjoys legal personality and financial autonomy. Its essential object is to promote and safeguard human rights.

The **Human Rights Defence League** (LDH), founded in 1990, seeks to denounce all violations or attempted violations of human rights and to defend the rights of victims, especially victims of torture and other cruel, inhuman or degrading treatment or punishment.

Amnesty International (AI) is an international institution aiming to promote respect of the provisions of the Universal Declaration of Human Rights. The Beninese section, created in 1991, supports the activities of organizations and institutions working towards the implementation of the Universal Declaration of Human Rights.

The **Study Group on Democracy and Economic and Social Development** (GERDES-BENIN), set up in 1990, seeks to promote democracy with a view to accelerating the country's social and economic development.

Institute for Human Rights and Democracy in Daily Life. This NGO, which was registered on 14 April 1993, is concerned with mass education in essential human rights concepts and democratic principles.

Christian Action for the Abolition of Torture (ACAT), created in 1974. The Benin branch was opened at a later date. It was registered on 17 August 1990.

Beninese Red Cross, established in 1959. The Beninese section operates on the basis of the Geneva Conventions and the Protocols additional thereto, working impartially to prevent human rights violations and alleviate human suffering.

L'Association Béninoise pour la Promotion de la Famille (ABPF), created in 1972, is essentially active in the field of family planning (natural and modern methods) and reproductive health, developing a wide range of services such as prevention of sexually transmissible diseases (STD) and AIDS, treatment of STD/AIDS patients, measures for the prevention of infertility, unwanted pregnancies and abortions, and gynaecological, antenatal and postnatal consultations.

The Association operates eight clinics in six *départements*. It organizes awareness-raising and training activities in the above-mentioned fields and holds national and international meetings on various topics relating to the protection of women's rights and welfare. It also campaigns for the repeal of laws that form a legal barrier to the advancement of women.

3.4 Implementation of the Convention in Benin

Benin has been a party to the Convention since 12 March 1992. Its initial report was due on 10 April 1993.

The situation with regard to respect of women's rights has undergone considerable development.

Today, many governmental and non-governmental institutions are working to ensure the observance of Benin's international undertakings in the sphere of women's rights.

Having ratified the Convention, Benin ipso facto recognizes its precedence over domestic law.

While the Constitution stops short of defining discrimination against women, it contains many general provisions that grant equal rights to all citizens.

By virtue of article 147 of the Constitution, which proclaims the superiority of agreements and treaties duly ratified by Benin over the national legislation, the Convention thus enjoys higher authority than the domestic laws. Its provisions must be obeyed and can be invoked before all national instances, be they administrative, legislative or judicial.

The Constitutional Court is competent to consider all violations of fundamental human rights and public freedoms. It is duty bound to rule upon the constitutionality of organic laws and of laws in general before they are promulgated, on the constitutionality of laws and regulations deemed to violate fundamental human rights and public freedoms, and on breaches of human rights in general (article 117). Decisions of the Constitutional Court are not subject to appeal.

The State of Benin has manifested its political will and its desire to guarantee basic individual rights and freedoms by reorganizing the Ministry of Justice and Legislation to include the protection and promotion of human rights among its activities.

In its article 35, Decree No. 97-30 of 29 January 1997 on the powers, organization and operation of the Ministry of Justice, Legislation and Human Rights establishes a Human Rights Board whose duties are, in particular:

- To bring domestic legislation more closely into line with the provisions of international instruments;
- To visit detention facilities in order to ascertain the living conditions of prisoners and to prevent cases of abusive or arbitrary detention;
- To verify reported cases of human rights violations and investigate complaints;
- To work towards the protection and defence of the rights and freedoms of citizens, persons deprived of their liberty, aliens and refugees;
- To promote and guarantee all women's and children's rights recognized under international human rights instruments.

A Board for the judicial protection of children and young people has also been set up within the Ministry of Justice, Legislation and Human Rights. Its activities are focused inter alia on the protection of children in conflict with the law or in moral danger and on all matters relating to the rights of the child at both national and international levels.

The manifest will of the State of Benin to promote human rights is also reflected in the establishment, by Decree No. 96-433 of 4 October 1996, of a National Committee to Monitor the Implementation of International Instruments. The members of this Committee have already attended a number of training courses organized by the Ministry of Justice, Legislation and Human Rights in collaboration with the Centre for Human Rights, the Women in Development Division of the United Nations Secretariat, and UNDP Benin.

As regards the obligation for all States parties to the Convention to incorporate its provisions in their national laws, it must be pointed out that there exists no specific text defining discrimination or incorporating the provisions of the Convention in domestic law. Under article 147 of the Constitution, violations of women's rights can be directly invoked before Beninese judicial, constitutional or administrative jurisdictions and before all administrative authorities.

However, the question of the efficacy of the Convention's implementation arises owing to the absence of any provision in domestic law for action to be taken in the event of violation.

Nevertheless, steps are being taken to improve the status and situation of women in Benin. Review and updating of certain legal texts, in particular the Criminal Code and the Code of Criminal Procedure, are being undertaken.

Family law and the law of succession are governed both by the Civil Code and the customary law of Dahomey.

Under the customary law of Dahomey as set out in Circular No. 128 of 8 March 1931, women have the status of perpetual minors. Paragraph 127 affirms that women have no legal capacity and form part of their husband's chattels and heritage; paragraph 128 states that a wife is inherited by her deceased husband's natural heir. The customary law of Dahomey enshrines polygamous marriage;

marriages are arranged by the father or, failing that, by an older brother or the head of the family. The future spouses' views are not always consulted.

The customary law of Dahomey also contains provisions concerning marriage by barter, widowhood, levirate and succession.

A draft Code of Persons and the Family is under study at the National Assembly, as are a number of draft Acts concerning the punishment of rape, inducement of abortion, voluntary interruption of pregnancy, female genital mutilation (preliminary draft), etc.

4. Information and publicity

The Republic of Benin is a party to more than 25 international conventions and covenants as well as to some of their additional protocols relating to human rights. The conventions concern:

- The prevention of discrimination in the field of education;
- Discrimination in the fields of employment and occupation;
- Equal pay for equal work, etc.

The popularisation of international human rights instruments ratified by Benin is carried out by Government offices and NGOs.

More than 15 NGOs are engaged upon this task. They include:

- The Institute for Human Rights and the Promotion of Democracy in Daily Life (IDHPD-DQ);
- The Association of Women Lawyers of Benin (AFJB);
- The Human Rights Defence League (LDH);
- The Association for Struggle against Racism, Ethnocentrism and Regionalism (ALCRER);
- The Africa Obota Centre (CAO);
- The Beninese Association for Child and Family Welfare (ABAEF);
- Defense for Children International (DEI-BENIN);
- The *Regard d'Amour* Foundation;
- Christian Action for the Abolition of Torture (ACAT-BENIN);
- The Association for the Development of Village Initiatives (ASSODIV);
- The Study Group on Democracy and Economic and Social Development in Africa (GERDES-AFRIQUE, Benin section)
- *L'Association Béninoise pour la Promotion de la Famille* (ABPF) ;
- International Cooperation for Assistance to the Development of Community Initiatives in Benin (CIADIC-BENIN);
- *Nouvelle Ethnique*;
- Amnesty International – Benin ;
- The Benin Human Rights Commission (CBDH).

4.1 Information on human rights instruments

A number of seminars have been held to inform local and national NGOs, senior public administration staff and the population at large about the provisions of human rights instruments, in particular the African Charter of Human and People's Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the African Charter on the Rights and Welfare of the African Child and other human rights conventions and their additional protocols.

Popularisation campaigns on human rights have been organised in all *départements*.

The National Committee to Monitor the Implementation of International Human Rights Instruments and the National Commission for the Implementation of International Humanitarian Law have been officially established and have begun their work.

4.2 The media

Various events connected with women's rights, such as International Women's Day (8 March), the fiftieth anniversary of the Universal Declaration of Human Rights, African Child's Day and Beninese Child's Day, have provided occasions for seminars, public lectures and radio and television debates designed to make the international instruments better known to the population.

Most of these events were extensively covered by the media, including all organs of the press in the official working language (French) and in some of the national languages through broadcasts on rural radio.

A weekly half-hour broadcast on women's rights forms part of the women's magazine broadcast by the national radio station.

Awareness-raising programmes are also broadcast by radio and television.

Some press organs have a regular "women's page" produced by women.

Broadcasts dealing with such subjects as school attendance by girls, bride money and marriage, designed to alter existing mentalities and behaviour patterns, are greatly appreciated by their audiences, which often ask for retransmissions.

Nevertheless, the main international instruments ratified by Benin have not been sufficiently popularised. They have not been translated into the national languages spoken by the majority of the population. As a result, the Convention is little known to the majority of Benin's citizens of either sex. The programme entitled "Women, Health and Development", the broadcasting of which in several national languages was planned for 1991, has not yet seen the light of day.

4.3 Preparation of State party reports

A National Committee to Monitor the Implementation of International Human Rights Instruments was established by Decree No. 96 433 of 4 October 1996. It is placed under the authority of the Ministry of Justice, Legislation and Human Rights and is responsible for "the preparation of reports on Benin's implementation of human rights conventions, covenants and protocols to which Benin is a party, with a view to their presentation to the competent institutions".

Method of preparation of human rights reports

The Ministry of Justice, Legislation and Human Rights, through its Human Rights Board, is the only Government body empowered to take the initiative in the matter of preparing reports (cf. article 35 of Decree No. 97-30 setting out the Ministry's powers, organisation and operation).

The method employed in the preparation of reports to international or regional human rights institutions is as follows:

- The Ministry appoints consultants to prepare preliminary draft reports, which are then approved by the National Committee to Monitor the Implementation of International Human Rights Instruments prior to submission to the relevant human rights institution;
- The preliminary draft report is approved at a workshop convened for that purpose, with the participation, besides the members of the said Committee, of representatives of associations and NGOs active in the particular area covered by the report. This procedure was followed in the case of most of the reports relating to the African Charter of Human and People's Rights.

The approval of the preliminary draft report is carried out in a spirit of free and unprejudiced search for consensus and in the sincere desire to reflect the true reality of the facts.

In the case of the preparation of the national report on the implementation of the Convention on the Rights of the Child, a preliminary draft report was prepared by senior officials of the Ministry of Justice and Legislation. It was submitted to a committee composed of representatives of State structures and NGOs operating in the field of rights of the child, and was finalised under the direction of an international expert at a training seminar in the preparation of reports to international human rights institutions.

Part Two
Consideration of the situation of women in Benin from the point of view of the Convention (articles 1 to 16)

Article 1. Definition of discrimination against women

Although it has no clear-cut definition of its own of the term "discrimination", Benin has, by acceding to all relevant international human rights instruments, undertaken to ensure the advancement of women and to protect them against inequality in all its forms.

Benin has incorporated in its Constitution the provisions of the African Charter of Human and Peoples' Rights, which provides in its article 2: "Everyone is entitled to the enjoyment of the rights and freedoms recognized and guaranteed in this Charter without any distinction whatever, in particular as to race, ethnic group, colour, sex, language, religion, political or any other opinion, national or social origin, wealth, birth or any other circumstance".

Article 3 of the same Charter, incorporated in the Benin Constitution, accords "full equality before the law" and "equal protection before the law" to everyone. Articles 4 and 5, likewise incorporated, proclaim the inviolability and right to respect of the human person, stating that no one may be deprived of the right to respect of life and integrity of person, whether physical or moral, or of the recognition of his/her legal personality.

Women, like men, are thus entitled to the enjoyment of all forms of protection offered by articles 7 to 18, including the right to education and to equal pay for equal work.

It should be noted that Benin attaches particular importance to article 18, paragraph 3, of the African Charter of Human Rights, which makes the State responsible for "ensuring the elimination of all discrimination against women and the protection of the rights of women and of the child as prescribed by international declarations and conventions".

All these principles are recognized in the Benin Constitution of 10 December 1990.

Article 2. Obligation to eliminate discrimination

The Benin Constitution protects the rights of women and prohibits all discrimination against them. Its article 26 provides that "men and women are equal before the law. The State protects the family, and in particular the mother and child ...". The Constitution thus enshrines the principle of equality of everyone before the law.

Family and succession rights are governed both by the Civil Code and by the customary law of Dahomey.

The customary law of Dahomey (as set forth in Circular No. 128 of 9 March 1931) is viewed as a collection of customs and rules; it does not constitute a Code. The Constitutional Court in its decision DCC 95–063 of 26 December 1996 averred that the Circular has no executory force and does not belong to the category of acts emanating from the Executive whose constitutionality has to be verified.

The customary law of Dahomey gives women the status of perpetual minors. In its paragraph 127 it proclaims that women have no legal capacity and form part of their husband's chattels and inheritance; paragraph 128 states that a woman is inherited by her husband's natural heir. The customary law of Dahomey enshrines polygamy and declares that marriages are arranged by the father or, failing that, by an older brother or the head of the family. The views of the future spouses are not always consulted.

The customary law of Dahomey also contains provisions on marriage by barter and on widowhood, levirate and succession.

A draft Code of Persons and the Family, designed to put an end to this "legal duality", has been under study in the National Assembly for several years. A number of draft laws concerning civil status, punishment of rape and incitement to abortion, voluntary interruption of pregnancy and a preliminary draft of an Act on female genital mutilation have also been prepared with a view to improving the situation of women.

By ratifying the African Charter of Human and Peoples' Rights and incorporating it in the Constitution, the State of Benin confirms its acceptance of the principles set forth in that Charter, which recognizes the family as the basic unit of society and makes the State, as the guardian of traditional values, responsible for ensuring its physical and moral protection.

Article 18, paragraph 3 of the African Charter of Human Rights is devoted specifically to the question of discrimination against women. It sets forth the responsibility of the State to "ensure the elimination of all discrimination against women and the protection of the rights of women and of the child as prescribed in international declarations and conventions".

In practice, guaranteeing recognized rights is a difficult matter. Certain dark spots continue to exist as regards the protection and promotion of such rights in respect of women. Among these difficulties mention may be made of forced, arranged or early marriages; negative or nefarious traditional practices, such as excision or other acts of female genital mutilation that often entail loss of life; trafficking in girls, etc. Notwithstanding all the steps being taken, the degrading practices of widowhood and levirate, albeit decried, are still widespread.

Efforts are being made by Government authorities to eliminate discrimination and violations of women's rights.

Among provisions adopted with a view to promoting the economic and social well-being of women, we may cite Decision No. 28/MDR/DC/CC/DAPS of 12 January 1995 setting up and defining the duties and functions of a women's unit in the agricultural and rural development section of the Ministry of Rural Development, as well as Decision No. 2/MIPME/DC/SA of 1 January 1995 setting up and defining the duties and functions of a focal point of the National Commission for the Integration of Women in Development. An international consultation on the promotion of school attendance by girls was launched by Decision No. 22/MENRS/CAB/DC/DAPS/GC/PDE of 20 May 1996.

A Ministry of Health, Social Protection and Status of Women was established in 1996. In the interest of making it more operational, this Ministry has today been subdivided into two separate departments, the Ministry of Health and the Ministry

for Social Protection and the Status of Women, the latter being subsequently renamed "Ministry of Social Protection and the Family" incorporating a Women's Advancement Board.

The abolition of the term "status of women" has met with a mixed reception on the part of the population on account of the protection due to women from the State. Some people regard it as a backward step in the matter of protection of women, while the authorities explain the change by the desire to extend social protection and the adoption of the gender approach in the process of advancement of women's rights to the family as a whole, including women.

Leaving this polemic aside, we want to make it clear that under the new Decree No. 99-613 of 20 December 1999, the powers of the new Ministry for Social Protection and the Family are certainly not less than those of the old Ministry for Social Protection and the Status of Women.

But notwithstanding the political will to safeguard women's rights by outlawing all discrimination against them, the effective and real implementation of these measures on the basis of an adequate legal framework continues to suffer from the National Assembly's unjustified failure to act in the matter of the adoption of the draft Code of Persons and the Family.

Civil society and organizations for the advancement of women are doing what they can to popularise these issues and to campaign for the implementation of major reforms in this field, including the adoption of the draft Code of Persons and the Family.

The Association of Women Lawyers of Benin (AFJB) has organized many meetings (lectures, debates, seminars) throughout the country with the aim of popularising the rights of women.

UNICEF has launched a project called Girls' and Women's Rights (DROFF) designed to make girls and women aware of their rights.

UNFPA, for its part, supports activities in the sphere of advancement of women and popularisation of the Convention.

Article 3. Development and the advancement of women

Women generally have the same rights as men in the Republic of Benin. Article 8 of the Constitution of 11 December 1990 provides as follows:

"The human person is sacred and inviolable. The State has an absolute obligation to respect and protect the human individual. The State guarantees the full flowering of the human person. To that end, it ensures equal access to health, education, culture, information, vocational training and employment for its citizens."

In a formal sense, therefore, the women and men of Benin are equal and enjoy the same rights.

However, the implementation of these provisions varies depending on whether the persons concerned are or are not educated, whether they live in a town or in the countryside, and whether the influence of custom and tradition is strong in their family.

The reasons for the relative slowness of women's development in our country are related to their primary role as mothers and as the persons principally responsible for bearing and raising children. The fact is that our women do not always have the time necessary for other (e.g. political) activities. To this must be added the weight of custom, stereotyping, traditional practices and taboos.

The equality of women and men is, however, recognized and respected by law.

In general, women enjoy the same rights and are entitled to the same form of legal protection as men. The national instruments contain no discriminatory provisions and treat men and women in the same way.

The Constitution of 11 December 1990 and all the international instruments ratified by Benin converge in ensuring women's enjoyment of the fundamental rights and freedoms.

The draft Code of Persons and the Family has been prepared with a view to putting an end to inequality between men and women in matrimonial and succession matters.

All the above-mentioned legal documents are helping to improve the traditional status of women in Benin.

Women participate, as far as possible alongside men, in the adoption of political, legislative, social, economic and administrative measures necessary for their protection and advancement and in the elaboration of all policies favourable to women or designed to improve their status in society.

Article 4. Accelerating the attainment of equality between men and women

Equality between men and women is enshrined in article 26 of the Beninese Constitution. It is also a concern of the Government, which is anxious to reduce inequality between the sexes. Measures affecting institutional machinery and the basic instruments have been adopted with the aim of gradually reducing the gap between men and women.

4.1 Institutional machinery

Measures taken on behalf of women have included the setting up of specific machinery to accelerate the attainment of equality between women and men, such as, among others:

- The establishment, by Decree No. 93-173 of 20 July 1993, of the National Commission for the Integration of Women in Development, whose main duties are to develop national policy in that area, ensure the protection of women's interests, etc.;
- The establishment of a "Children in Difficulties" unit in 1994;
- The establishment in 1994 of a Status of Women Board (DCF) to coordinate national policy on the advancement of women. The National Commission for the Integration of Women in Development is incorporated within this Board.

Several projects have been developed with a view to facilitating access to credit and reducing the poverty of vulnerable categories of the population, including women. They include the following:

- A project of support to income-generating activities;
- A project of support to the development of micro-enterprises;
- A project of support to the economic plan for the women of Ouémé, launched in 1996; and
- A project of support to the development of the agricultural sector (with a private-sector component).

4.2 In the field of education

- With a view to encouraging girls' access to education, four hostels for rural girls have been opened in four *départements*;
- A project to train female literacy instructors designed to bring students and instructors closer together, thus breaking down the socio-cultural barriers that are slowing down the progress of literacy among women;
- Another project designed to speed up equality in the enjoyment of the right to education concerns the exemption of rural girls from the payment of school fees.

The implementation of the last-mentioned plan is meeting with some opposition on the ground owing to fears of the resulting reduction in school funds and the shortage of school furniture, which is sometimes supplied by the children.

The State has therefore adopted certain compensatory measures, such as providing free school supplies (teaching materials, chalk) and furniture for schools in rural areas.

4.3 In the field of health

Several projects of benefit to women and girls are under way, in particular the "Safer motherhood" project developed throughout the country and the "Reproductive health for a happy youth" project being developed in the Atlantique and Atacora regions and elsewhere.

The special measures being taken by the State to reduce inequalities between men and women also include the adoption of a declaration on the Government's population policy. One of the medium-term goals of that policy is the improvement of the social status of women and the elimination of certain socio-cultural constraints.

4.4 In the field of legislation

Several draft Acts have been prepared and forwarded to the National Assembly. They are:

- The draft Code of Persons and the Family;
- A draft Act repealing the Act of 31 July 1920 on the prohibition of abortion and contraceptive propaganda;
- A draft Act on inducement of abortion;

– A draft Act on therapeutic interruption of pregnancy;

– A draft Act on punishment of rape;

– A draft Act on punishment of female genital mutilation;

– A document emanating from UNDP.

Regrettably, however, none of the above-mentioned draft Acts has been voted by the National Assembly. This is the case with the draft code on the person and the family, the enactment of which is universally desired because its entry into force would help to find equitable solutions to important problems relating to succession, inheritance, marriage, etc.

The blocking of the passage of this draft Act is a matter of concern to the Government and to individual citizens, as well as to NGOs and women's associations, which continue to campaign for its enactment.

The awareness-raising campaigns organized as part of the effort to speed up the adoption of the Code, as well as the struggle against the ill-treatment of "vidomegon" girls, testify to the manifest will of the NGOs and the State to create a more just and equitable world for women.

However, coordinating the institutional machinery is made difficult by the relative autonomy of the existing structures. This also accounts for the sparseness of information on issues relating to the advancement of women and the relative unreliability of such statistics as are available.

4.5 In social matters

In cases where both spouses are civil servants, the husband has priority in benefiting from the right to family allowances. Family allowances are treated as wage supplements and are paid together with the monthly wage, except in special situations (e.g. where the woman is the head of the household).

Furthermore, women civil servants pay a higher Progressive Wages and Salaries Tax (IPTS) because they are classified as having no dependants or children. Women civil servants who are heads of households can, however, benefit from the said allowances.

The trade unions are trying to remedy this situation by campaigning for the adoption and implementation of new rules more favourable to women.

Moreover, the children and husband of a woman civil servant do not receive any survivors' allowance in the event of her demise.

Overall, the measures cited above have helped to improve the access of disadvantaged and vulnerable strata of the population (women and children) to health, education and protection and to improve the principal indicators, such as vaccination coverage, reduced infant, juvenile and maternal mortality rates and the school enrolment rate, for both sexes.

Article 5. Sexual roles and stereotypes

In the Republic of Benin, families are governed by the patriarchal kinship system. Marriage, succession, roles within the family, and education are largely founded upon this system.

5.1 Forced marriage and bride money

Traditionally, a marriage must be agreed by the paternal kin (uncles and aunts) of the prospective bride. The father gives his daughter, or sometimes his son, in marriage to the family of his choice.

Although the situation has considerably evolved, some fathers in certain rural areas continue to make use of this prerogative that belongs to bygone times, ignoring the choice of their daughters and sometimes even of their sons. Abductions, bartering of girls against their will, and early marriage, as well as other similar forms of marriage, are practised without the use of violence among some Adja, Toffin, Otamari, Berba, Gnindé etc. These practices, where they persist, constitute one of the major obstacles to school attendance by girls. Even where the parents are willing to send their daughter to school, she may be taken out of the schools system at any moment to join the husband chosen for her. A father who has already received a bride price in species or in kind lives in dread of his daughter escaping to marry the man of her own choice.

The principle of bride money is widely accepted everywhere in Benin, both in the countryside and in the towns. The amount, however, varies from place to place. Families today can be said to fall into one of the following three groups:

1. Those (a very small minority) who think the bride price is optional and do not insist on any payment by the future bridegroom;

2. Those who invoke the symbolic nature of the bride price and regard it as a major element in choosing the family into which their daughter is to marry. Such parents form the majority;

3. There exists a third category among whom upping the bride price is the rule. This applies to certain well-known sections of Benin's society. The bride money varies from 100,000 to 500,000 CFAF or even more.

Areas in which forced marriages and excessive bride prices are particularly prevalent are well known and targeted by the State services concerned with the advancement of women and NGOs working in the field of women's rights.

Activities conducted in respect of such areas are of three kinds:

- Awareness-raising and adult education;
- Projects designed to make education accessible to everyone, such as the project for women's and girls' rights (DROFF) and the "education and community" project (EDUCOM);
- Strengthening women's economic power through access to credits.

In the areas concerned, poverty is rife and women are excluded from the family decision-making process. They are exhausted by the work of running the home and raising children. The standard marriage system – polygamy – encourages competition between wives to the advantage of their joint husband.

The Association of Women Lawyers of Benin, the Action Group for Justice and Social Equality, DROFF, EDUCOM and other projects such as PADES COBLY, PADES DOGBO and CLEF all conduct intensive fieldwork among women in the hope of ensuring the progressive elimination of backward practices and the moral and material flowering of women on new socio-cultural foundations.

5.2 Succession

Succession is founded upon the patriarchal system, which, in turn, forms the basis of the customary laws of Dahomey.

The customary laws grant many privileges to sons and deny all succession or inheritance rights to daughters.

The legal force of the customary laws of Dahomey is a matter of controversy. In some quarters the document containing them is regarded merely as a circular, while in others it is considered equivalent to a legal text and thus believed to govern relations between family members.

The Association of Women Lawyers of Benin and other groups are working towards the recognition and respect of women's rights. Some 500 users a year, including 75 to 80% women, attend the legal aid centres set up to deal with matrimonial and succession problems..

5.3 Violent acts

Among the types of violent acts committed in Benin, sexual violence, economic exploitation, forced marriage, degrading widowhood practices and female genital mutilation are the most familiar in the sense that they are based on custom and perpetuated by tradition. Action in this field is being taken by associations and NGOs as well as by the State through the Ministries of Health, Justice, Legislation and Human Rights, and Social Protection and the Family.

Girls employed as domestic servants, commonly known as "vidomegons", are exposed to economic exploitation, ill-treatment and sexual harassment. Some cases of sexual abuse have ended in pregnancies.

Employment of minor children as domestic servants constitutes a violation of the labour laws in force in Benin. For the past ten years or more, bodies active in the field of advancement of women have been organizing awareness-raising campaigns in the hope of reducing the scope of this phenomenon.

5.4 Towards the abolition of sexual stereotypes in school textbooks

School textbooks have played a significant role in strengthening negative sexual stereotypes. In order to remedy this situation, the State has taken the following action as part of its review of school syllabuses:

1. Identifying negative images of women in books, where roles such as cooking, housekeeping and child care are portrayed as belonging exclusively to girls and mothers, whereas boys go to school, work in the fields or sit under the "palaver tree" talking about this and that;

2. Ridding school textbooks of negative sexual stereotypes;

3. Ensuring that the need for fairness and equality between the sexes is emphasised throughout the education system.

The new syllabuses currently under test in elementary schools (*Cours d'Initiation* – CI) take due account of the problem of negative stereotypes. These syllabuses and the schoolbooks pertaining to them are now being generally

introduced in CI classes. In the next six years the old syllabuses and textbooks will have been eliminated from Benin's elementary schools.

The review programme also includes a section devoted to training teachers to practise fairness in the schoolroom and to motivate girl students. Good progress is being made.

5.5 Regulations concerning video clubs

In the interest of protecting the young from immorality, the Government has adopted Decrees Nos. 96-371 of 29 August 1996 regulating the activities of film and video clubs and No. 96-372 of 29 August 1996 regulating the profession of video club operator.

Article 4 of Decree No. 96-371 obliges film and video clubs regularly to submit the films they select for screening to be approved by the National Film Control Commission.

Article 12, paragraph 3 of Decree No. 96-372 prohibits the screening of erotic and pornographic films at video centres. In fact, however, strict control is not exercised and some deviations from the rule may occur.

Article 6. Elimination of exploitation of women

Benin's criminal law prohibits trafficking in women and girls and procuring in all its forms. There exists no obstacle to the implementation of existing provisions for the protection of women and girls against sexual exploitation. The law does not authorize the sale of a woman's services by a third party. The need to combat trafficking in children in general and girls and young women in particular, whether organized in a network or perpetrated by a trafficker operating on his own, is recognized at both Government and non-governmental level. Such traffic in persons is carried out clandestinely and in defiance of the legal provisions in force, in particular as regards the issuance of exit permits.

Benin has the reputation in the sub-region of a country that serves as both a receiver and a purveyor of children for trafficking. It is also known as a country of transit for traffic in children of both sexes to other countries. No marriage or employment agencies organizing traffic in children, girls and women are officially known to exist.

6.1 Trafficking in girls and women

The national laws do not deal directly with trafficking in girls and women. Criminal law, however, contains provisions on unlawful conveying of children to another country, kidnapping and trading in female minors and in women of any age.

Some cases of trafficking have been reported involving children and young women who were to be conveyed out of Benin to other countries in the sub-region and outside Africa. Legal proceedings have been initiated and are taking their normal course.

Among existing provisions, mention may be made of Act No. 61-20 of 5 July 1961 on conveying minors aged under 18 outside the territory of the Republic of Dahomey; Ordinance No. 73-37 of 17 April 1973 amending the provisions of the Criminal Code on traffic in persons and kidnapping of minors; and

Decree No. 95-191 of 24 June 1995 setting out the conditions for the issuance of exit permits for minors aged under 18.

***Act No. 61-20 of 5 July 1961 on conveying minors aged under 18 out of the territory of the Republic of Dahomey**

This Act, timeworn as it is, still governs the problem of criminal trafficking in children. It is, however, difficult to implement in certain situations, e.g. in the case of arrests made at a distance of more than 10 km from the frontier or of foreign traffickers intercepted inside Benin. The Act provides for penalties of two to five years' imprisonment when the minor is taken out of the country without legal authorization. Its article 5 provides as follows:

"Anyone who, with a view to deriving profit of any kind, alienates or attempts to alienate the person or liberty of a minor aged less than eighteen years shall incur:

- The death penalty if the child was kidnapped, abducted or taken away from the place in which it was placed by those in authority over it or by those under whose direction it had been placed;
- Forced labour in perpetuity if the child was handed over to the trafficker by persons having authority over it, as defined in the preceding paragraph. Such persons shall then incur the same penalties as the perpetrator of the crime."

***Ordinance No. 73-37 of 17 April 1973 amending the provisions of the Criminal Code on traffic in persons and kidnapping of minors**

This Ordinance repeals and replaces the provisions of articles 354 and 355 of the Criminal Code, as follows:

Article 354: Anyone in Dahomey who, for a gainful purpose, concludes an agreement with the object of alienating the liberty of a third party shall be punished by death. An attempt to commit this crime shall be punished in the same way as the crime itself. Money, goods or other objects or values received in accordance with the agreement, or as deposit in respect of an agreement yet to be concluded, shall be confiscated.

Articles 354A and 354C provide that:

1. Bringing into the country individuals who are to form the subject of such an agreement, or taking nationals out of the country or attempting to do so with a view to negotiating such an agreement abroad, shall be subject to the same penalty;

2. The foregoing provisions are without prejudice to any rights deriving from the powers of fathers, guardians or husbands over minors or married women, provided that the acts performed do not constitute temporary or permanent enslavement of such minors for the benefit of a third party.

Article 355: Anyone who, by fraud or violence, has kidnapped, abducted or taken away minors or has had minors abducted or taken away from the place in which they had been placed by those in authority over them or those under whose direction they had been placed, shall incur the death penalty.

Article 355A extends the death penalty to anyone who receives or intends to demand a ransom. If a minor who has been kidnapped is found safe and sound

before sentence has been passed, a penalty of perpetual hard labour shall be imposed on the kidnapper (article 355B).

***Decree No 95-191 of 24 June 1995 setting out the conditions for the issuance of exit permits to minors aged under 18**

Any person wishing to take a child outside the territory of Benin must complete a number of formalities including, among others, an application in writing to the sub-prefect. The chief of the village or urban district, or the mayor of the commune, must make a reasoned submission whenever a child aged under 18 travels outside Benin. The motive for the voyage and the full identities of the person who is to accompany the child and the person who is to be the child's definitive guardian upon arrival at the destination must be indicated. A surety equivalent to the cost of the child's possible repatriation has to be paid into a bank account opened by the Ministry of Foreign Affairs and Cooperation. The surety is kept in a special account until the child's definitive and voluntary return to Benin.

The decree tightens up the procedures for obtaining children's exit permits and requires the deposit of a surety equivalent to the cost of the child's repatriation should a permit be granted.

A draft Act on the "placing" of children as domestic servants both inside and outside the national territory has been prepared by the Ministry of Justice, Legislation and Human Rights in collaboration with the Ministry of Health, Social Welfare and the Status of Women. In view of the scale of the problem, a review of all legal documents relating to trafficking in children, whether in force or in draft form, is envisaged.

6.2 Prostitution and procuring

Prostitution is illegal in Benin. Society has no consideration for prostitutes.

Articles 330 to 340 of the Criminal Code deal with acts of sexual violence committed against women and children below the age of 15, as well as with adultery.

Articles 334 and 335 of the "Bouvenet" Criminal Code punish habitual incitement of a minor to debauchery, recruiting or abducting a minor or a woman and keeping them in a house of debauchery, forcing a woman or young girl into prostitution, keeping a clandestine house of prostitution, serving as an intermediary between persons engaging in prostitution or debauchery, and persons exploiting the prostitution and debauchery of others. The same applies to any gain or subsidy deriving from the prostitution of others or from cohabitation with a person engaging in prostitution and to habitual toleration of prostitution in a public place.

The perpetrator of such acts, who has incited, encouraged or facilitated the offence or has attempted to incite, encourage or facilitate prostitution or exploitation of women and girls, is punished by six months to three years' imprisonment as well as a fine of 18 000 to 1 800 000 francs. A heavier penalty is imposed if the perpetrator is the victim's father, mother, guardian or direct ascendant. It is then raised to three to five years' imprisonment plus a fine of 18 000 to 1 800 000 francs, and is accompanied by loss of parental authority where the perpetrator is the father or mother.

The same penalties are applied where the perpetrator is a person having authority over the victim, her teacher, a paid servant of the victim or of the persons designated above, a public official or a minister of religion.

Articles 330 t0 333 provide for the punishment of any immoral act committed with or without the use of violence against a minor of either sex aged under 13. The penalty for this offence is imprisonment.

A penalty of forced labour is imposed if the act is committed by:

- An ascendant of the victim, a person having authority over the victim, a teacher of the victim or the teacher's paid servant, a paid servant of the victim, a public official or a minister of religion;
- Several persons, or with assistance where the act was committed with violence against a minor of either sex aged under 13.

A penalty of perpetual forced labour is imposed, whatever the victim's age, where the perpetrator is an ascendant or where the immoral act was committed by several persons or with assistance.

Rape is punished by a term at forced labour. The maximum penalty is imposed where the victim is a minor aged under 15. A penalty of perpetual forced labour is imposed, whatever the age of the victim, where rape was committed by an ascendant of the victim or by one of the persons referred to above, or where it was committed by several persons or with assistance.

A new Criminal Code is currently under discussion in the National Assembly. The existing provisions, including those relating to violent acts against women, are to be reviewed.

In practice, complaints brought by women victims of violent acts are rare; victims prefer, out of modesty, to remain anonymous or not to bring a complaint. Such proceedings as are initiated are very often declared invalid, especially where the victim is a minor. Such decisions appear to be guided by a strong wish on the part of victims' parents to safeguard their child against future problems that may arise if the acts become widely known.

Victims, whatever their age, find the publicity surrounding public hearings, especially in criminal matters, hard to bear. It is therefore quite common for a default judgment to be rendered owing to the absence of the victim and, sometimes, of the perpetrators, especially if the latter have been provisionally released pending appearance before the Court of Assizes.

6.3 Non-sexual violent acts

Beninese law protects all citizens against all forms of violent acts.

Assault and battery as well as all other forms of physical ill-treatment are punished by articles 295 ff. of the Criminal Code. The penalties are increased if the acts were committed against minor children aged under 15, without distinction as to sex.

6.4 Adultery

Beninese law provides different penalties for adultery depending on whether it is committed by the husband or the wife. Articles 336, 337, 338 and 339 of the Criminal Code specify the conditions for prosecution.

An adulterous woman is prosecuted together with her accomplice and is sentenced to the same penalty as he. The husband is free to prosecute and may withdraw his complaint whenever he so wishes.

A wife who is the victim of adultery can bring charges. She may prosecute only if the husband has kept a concubine in the marital home.

The penalty incurred by an adulterous husband is a fine of 36,000 to 720,000 francs. An adulterous wife is liable to imprisonment for a minimum of three months and a maximum of two years.

The accomplice of the adulterous wife is prosecuted and sentenced to the same term of imprisonment plus a fine of 36,000 to 72,000 francs.

6.5 Forced marriages and levirate

No provision directly punishing forced marriages or levirate is to be found in Beninese law. Such forms of marriage are consecrated by custom and form part of the customary law of Dahomey. They are therefore not listed as offences in the Criminal Code.

In practice, they give rise to offences or are facilitated by the commission of acts of various kinds that are covered and punished by our criminal law, such as wilful assault and battery, rape, kidnapping, abduction of a minor, sequestration, poisoning, homicide and murder. These offences (e.g. wilful assault and battery) are liable to corrective penalties and are judged by courts of first instance and the Appeals Court, except where there are aggravating circumstances, when the case comes before the Court of Assizes. Cases in the latter category entail a criminal procedure and the perpetrator may incur a penalty ranging from imprisonment to a term at forced labour, perpetual forced labour or even the death penalty.

The following penalties, by type of offence, are provided by law for the protection of the individual against all forms of violence:

- Violent acts, assault, deliberate striking and wounding: two months to five years with or without fine, term of forced labour, perpetual forced labour (articles 295 to 309 of the Criminal Code);
- Deliberate striking and wounding with a lethal outcome, without intention on the part of the perpetrator: a term at forced labour (articles 309 and 310 of the Criminal Code);
- Homicide: perpetual forced labour (articles 295 and 304 of the Criminal Code);
- Murder: perpetual forced labour or sentence of death (articles 294 to 304 of the Criminal Code);
- Torture and barbaric acts: sentence of death (articles 302 and 303 of the Criminal Code);

- Rape: forced labour for a fixed term or in perpetuity (articles 332 and 333 of the Criminal Code);
- Illicit sequestration, illicit arrest: two months to five years in the presence of attenuating circumstances; forced labour (fixed term or in perpetuity) or sentence of death in other cases;
- Kidnapping of a minor (with or without the use of violence or fraud): two to five years' imprisonment accompanied or not accompanied by a fine, forced labour in perpetuity, sentence of death (articles 354, 355 and 356 of the Criminal Code);
- Abduction of a minor or of a person who is of age: two to five years' imprisonment with a fine of two to twenty-five million francs (articles 334 and 335 of the Criminal Code);
- Incitement of a minor to debauchery: two to five years' imprisonment with a fine of two to twenty-five million francs (articles 334 and 335 of the Criminal Code);
- Poisoning: sentence of death (articles 301 and 302 of the Criminal Code);
- Administration of harmful substances: one month to five years' imprisonment, forced labour for a fixed term (articles 317 and 318 of the Criminal Code).

6.6 Abortion

The national law prohibits and punishes abortion.

Any woman who obtains or attempts to obtain an abortion for herself is liable to a penalty of six months' to two years' imprisonment and a fine of 36,000 to 720,000 francs. The penalty is one to five years plus a fine of 180,000 to 3,600,000 francs if the act is committed by a third party. It is five to ten years if the third party in question has habitually engaged in abortion activities.

A campaign for the repeal of the Act of 31 July 1920 prohibiting incitement to abortion and propaganda on behalf of contraception is currently in preparation.

6.7 Migratory movements of women and girls

Migratory movements are watched and checked at all the country's borders. Benin's frontiers are reputed to be extremely permeable, as a result of which the country is classified among the purveying, receiving and transit countries for traffic in children.

Generally speaking, the migration behaviour of Benin's population by age and gender is characterised by the following: a considerable amount of migration among persons of active age; a large proportion of children among the migrants; and a younger migration age for women. (Source: Guingnido Gaye K. Julien, INSAE, Second general population and habitat census, Vol. II, Analysis of results, Spatial distribution, Migration and structure by gender, March 1994, p. 114).

Many women emigrate between the ages of 5 and 29 years. A not inconsiderable proportion of this is reportedly due to the practice of "placing" children as domestic servants, as well as matrimonial reasons.

A large proportion of unmarried women migrants is likewise noted (13.75% of Benin's migrant population as against 12.19% of unmarried men).

So far as adult women leaving the territory are concerned, the freedom to come and go, recognized by the Constitution, makes these movements difficult to check.

6.8 Measures aimed at combating acts of violence against women

Benin has no special centres for women victims of violence.

However, a certain amount of assistance is provided under some projects. The legal aid centres of the Association of Benin Women Lawyers, the legal clinics of the Benin Centre for the Development of Initiatives at the Base, and the offices of certain non-governmental organizations such as the So-tchanhoué Reception and Training Centre and the *"Carrefour d'écoute et d'orientation"* provide legal and social assistance to families and women in difficulties.

Awareness-raising and training activities are conducted by NGOs and by the services of the Ministry of Social Protection and the Family. Efforts are also being undertaken to promote literacy among women and school attendance for girls.

Projects developed by UNDP, UNFPA and UNICEF as part of their cooperation programmes with the State of Benin are helping to make women aware of their rights and duties and to train them in the management of their own activities. The projects are also designed to strengthen women's economic capacities by financing micro-credits and developing income-generating activities.

To these initiatives should be added the work being done by foreign and development partners (embassies, other cooperation services, etc.) with the aim of improving the situation of women.

Article 7. Political and public life

7.1 Women in politics

Right to vote

The legal provisions concerning voting rights explicitly recognize the right of women to participate as members of society in all consultations by means of which the people delegates the power to conduct State affairs to its elected representatives. The principle of equality between men and women, constitutionally recognized, confers upon Beninese women the right to stand as candidates for all elected posts on the same terms as men, be it in parliamentary, presidential or municipal elections or at trade union level. Articles 6 and 26 of the Constitution of 11 December 1990 provide, respectively:

Re participation in elections: "Suffrage is universal, equal and secret. All Beninese nationals of both sexes aged eighteen and over and in possession of their civil and political rights are entitled to vote under the conditions determined by law".

Re equal rights: "The State ensures equality before the law for all, without distinction as to origin, race, sex, religion, political opinion or social status. The State protects the family and in particular mothers and children ...".

Thus, no discrimination between men and women is envisaged in the legal documents which govern citizens' lives.

Women's participation in political bodies

Mayors: there is not a single woman among the 520 mayors in office in Benin. Parliamentary deputies: women accounted for a considerable number of MPs (21 women as against 31 men) during the Marxist-Leninist revolutionary era, when women's mass organizations were represented in the Revolutionary National Assembly on the basis of a quota system which, in turn, was based on socio-professional categories and on regions. This situation was favourable to women's representation in political bodies.

Between 1993 and 1997, the proportion of women among National Assembly members has varied between 3 women/61 men, 5 women/76 men and 5 women/79 men (5%, 6.57% and 6.32%, respectively).

At cabinet level, there were two women ministers in a total of 20 in 1993 and one woman in a total of 18 ministers in 1996 and 1997.

The membership of the Constitutional Court was renewed once between 1993 and 1997. The first (7 members in all) included one woman and the second, two women. This development must be regarded as positive, the more so as this institution has always been presided by a woman.

During the same period, one woman has been a member of the Economic and Social Council, while the High Authority for Audio-Visual Media and Communication has not had any female members.

The small proportion of women in the main decision-making bodies is due to several factors, which include the following:

- Inadequate awareness among women of the need to fight for their participation in the political running of the country;
- Women's lack of self-confidence;
- The weight of tradition; and
- Resistance or suspicion on the part of men in face of their wives' political activities.

Furthermore, taking part in politics today calls for financial means that are generally not available to women. Of the four political parties presided by women, only those that have already participated in State administration appear dynamic and capable of mobilizing their militants.

However, several political parties are endeavouring to raise the level of political militancy among women by organizing female leadership training sessions. These groups often enjoy the support of international NGOs such as Friedrich Ebert.

Most parties have started women's movement of their own with a view to training and mobilizing their female militants.

It should be noted that women members of political parties rarely accede to strategic posts.

Table 1
Number of women and men in political positions from 1985 to 1997

Participation	1985		1990		1993		1996		1997	
	M	W	M	W	M	W	M	W	M	W
National Assembly (deputies)	31	21	21	1	61	3	76		76	5
Government	22	0	20	2	18	2	17	1	17	1
Heads of Department and Deputy Heads	–		40	2	37	3	17	2	17	2
Regional administration										
Prefects	6	0		0	6	0	6	0	6	
Sub-prefects	77	7		–	72	4	72	10	72	10
Mayors				–	520	0		–	–	–

Source: 1985-1996: Women and children, Benin's future. 2nd edition, June 1998, p. 39. 1997: National report on the implementation of the Beijing Platform, 1999, MPSF.

7.2 Beninese women in public life

*Women in Benin's diplomatic service

Until recently, the diplomatic profession was little known and women diplomats are still few and far between, especially in senior posts. In 1996 and 1997 there were, respectively, 21 and 20 women in diplomatic posts as against 69 men. This amounts to about 23.5%.

The number of women of top executive rank (baccalaureate + 5 years' further studies) in diplomatic posts is 13 as against 68 men, or 16%.

The small proportion of women in strategic posts cannot, however, be explained by the limited number of female diplomats, the more so as the two women appointed as ambassadors during the 1992-1997 period were not career diplomats. There could have been more such appointments if women had been more involved in political life.

The table below shows the proportion of women in Benin's diplomatic service.

Table 2
Distribution of executive staff in the diplomatic service outside Benin, 1992-1998

	Number and percentage				
	Men		*Women*		
Top executive posts	*Number*	*Per cent*	*Number*	*Per cent*	*Total*
Ambassador	17	89.47	2	10.5	19
Ministerial Counsellor	13	93	1	7	14
Counsellor	12	85.75	2	14.35	14
Total	**42**	**89.36**	**5**	**10.64**	**47**

Source: Human Resources Service, Ministry of Foreign Affairs and Communication.

***Women and militancy**

Whereas, as a result of sociological constraints and insufficient militancy, women are few and far between in the country's political structures, their participation in the associative movement is truly remarkable. More than 71 women's organizations have been identified as working in such fields as social education, savings and credit, environmental protection, literacy, defence of women's and children's rights, etc.

At trade union level there is a midwives' trade union, an association of women primary-school teachers and a staff association within the Administration of Finances, all directed by women.

The National Union of Benin Workers' Trade Unions (UNSTB) has a committee for the advancement of women. This committee, which is chaired by a woman, deals with specifically feminine problems such as harmonization of family and working life, maternity arrangements in services and enterprises, payment of pensions to families of deceased women workers, and the Code of Persons and the Family.

Women staff members in the Ministry of Finance and Economy are more active in trade union matters than their male colleagues. The habit of working at odd hours gives them more freedom to attend to trade union business.

Article 8. Representation and participation at international level

8.1 Beninese women in international institutions

According to reliable sources, no data are available concerning the presence of Beninese women in international institutions. No clear policy exists for placing women in such posts. It should be noted, however, that this is a general problem affecting both sexes.

Such women as do hold posts in international institutions have got there on the strength of personal relations and these cases are therefore difficult to list. Regulations to govern this area are, however, envisaged. Likewise, we will soon have a data bank containing the names of executive-rank staff eligible for such

posts, which will enable Benin's diplomatic service to respond promptly to future offers of employment.

The State will have to make more funds available to embassies and to the International Organizations Board for supporting the applicationss of Beninese candidates of both sexes for various international posts.

A study undertaken in 1997 on possibilities of introducing gender studies into the syllabus of the National University of Benin showed that work of this kind is already being done in certain university departments (agriculture, department of philosophy and social anthropology of the faculty of letters, arts and human sciences, etc). Strengthening these courses and extending gender studies to other departments was envisaged. Methods of implementing the various suggestions made in the study are currently under consideration.

8.2 Participation in international meetings

There exists no legal provision prohibiting women from representing the Government at the international level or from participating in the work of international organizations. Beninese women take part in international meetings on the same footing as men in all spheres of social life.

Women have participated at the side of men in such international conferences as the Beijing and Dakar World Women's Conferences, the International Conference on Population and Development and the presentation of Benin's initial report on the implementation of the Convention on the Rights of the Child, as well as in international meetings on health, the environment, tourism, etc.

Article 9. Nationality

The Constitution of 11 December 1990 in its article 98 declares that nationality is a matter governed by law.

The question of nationality is regulated by Act No. 65-17 of 23 June 1965 setting forth the Nationality Code of the Republic of Dahomey, now out of date.

However, this Act still constitutes the legal framework governing the situation of endogamous or transnational couples. The provisions of the Act do not infringe the equality of nationality rights as between a woman and her husband; quite on the contrary, they safeguard that equality.

Thus, according to article 18 of the said Act, a wife who is a foreign national automatically acquires Beninese nationality in the same way as a male alien marrying a woman who is a Beninese national, unless that woman intends to exercise her right to renounce her nationality as provided in articles 19 ff of the Nationality Code which govern the exercise of that right, recognized for both women and men.

Act No. 65-17 of 23 June 1965 does not, in any of its articles, envisage any circumstance capable of causing discrimination as between men and women in terms of equality of the right to nationality, even if certain articles here and there may appear to do so.

A woman's right to vote and to be elected to a public post following her acquisition of Beninese nationality is governed by the same principles as the

husband's. A period of 6 months (art. 20) must, however, elapse before a foreign woman having entered into a civil marriage with a Beninese national may fully enjoy that right.

This provision can undoubtedly be construed as discriminatory. But it enables the Government of Benin to oppose, where appropriate, the acquisition of Beninese nationality by the woman concerned. This consequence of article 20 is reflected in article 21 of the Nationality Code, which provides as follows: "During the period indicated in the preceding article, a woman who has acquired Beninese nationality through marriage cannot vote or stand for election where inclusion in electoral lists or exercise of public duties or mandates are subject to the possession of Beninese nationality".

The wording of this article certainly looks like a limitation on the equality of husband and wife in terms of the right to Beninese nationality, for it makes no reference to the status of a male alien who marries a Beninese woman. Article 21 may, in that hypothesis, give rise to different interpretations.

Except for this form of incapacity, the right of a woman to acquire, change or retain her nationality is the same as a man's under the Nationality Act of 65-27 of 23 June 1965.

Marriage to a foreign national or a change of nationality by the husband does not automatically affect the nationality of the wife. Article 48 of the Act provides as follows:

"A Beninese woman who marries an alien shall retain her Beninese nationality unless she expressly declares before the celebration of the marriage, subject to the conditions and in the form specified in articles 54 ff, that she renounces that nationality.

Such declaration does not require authorization even if the woman is a minor.

The declaration shall be valid only if the wife acquires or can acquire the nationality of the husband under his national law.

The woman shall, in that case, be released from her allegiance to Benin on the date of celebration of the marriage."

A reading of this provision of the Nationality Code clearly shows that a woman remains free to express her will in the choice of her nationality.

Other articles, including articles 49 and 50 on loss of nationality and article 53 on forfeiture of nationality, accord equal treatment to the mother and father where the effects of those measures on minor children are concerned. Such measures cannot be extended to minor children unless they are also extended to the wife.

Article 10. Education

10.1 General provisions

10.11 Laws and administrative policies

The State of Benin is aware of the importance of education in general, and education of women and girls in particular, to a country's development. Accordingly, it has proclaimed that access to education and training forms part of

the fundamental needs of Beninese citizens of both sexes. Articles 12 and 13 of the Constitution of 11 December 1990 are explicit on that point, in the following terms:

Article 12: The State and public communities guarantee the education of children and create favourable conditions for that purpose.

Article 13: The State provides for the education of youth in public schools. Primary education is compulsory. The State progressively introduces non-fee-paying public education.

In order gradually to reduce the tacit marginalisation of girls in terms of the enjoyment of this right, the State, acting through the Ministry of National Education, has decided to exonerate girls attending primary schools in rural areas from the payment of tuition fees.

This measure is meeting with some resistance on the part of certain head teachers in the field. The reason lies in the reduced financial resources it entails. Sometimes the supply of school furnishings – from which girls are also exempt – is likewise affected. The State has therefore decided to adopt compensatory measures by supplying free equipment (teaching aids, chalk, school furniture, etc.) to rural schools.

New schools have begun to be built with a view to enabling head teachers to admit more students, thus making up for the loss of income due to the said exoneration measures.

Each year, the Ministry of National Education and Scientific Research (MENRS) and the Ministry of Social Protection and the Family (MPSF) organize awareness-raising campaigns with a view to encouraging parents to send girls to school and to keep them there. These activities enjoy strong support from Beninese and foreign NGOs.

Since 1997, MPSF has been encouraging girls to take their school activities seriously by offering prizes to girl students obtaining the best results in primary and secondary school examinations.

Several projects have been initiated with a view to promoting girls' school attendance. They include the following:

- The "Children's Learning and Equity Foundation" (CLEF);
- The "Education and Community" project (EDUCOM);
- Establishment of boarding schools for the most deserving girls in the largest towns of each *département*;
- The "Women's and Girls' Rights" project;
- The "Let's Send Our Daughters to School" project in collaboration with the Peace Corps, etc.

A number of projects in support of income-generating activities for mothers have been started with the aim of increasing the number of girls attending school. They include initiatives on the part of the Action Group for Justice and Social Equality (GAJES), Bornfounden, the Benin Centre for Sustainable Development (CBDIBA), etc.

10.12 Coeducational school system

No negative discrimination is practised by the State in matters of educational policy. No State primary or secondary school except the College of Education in Social and Family Economics is specially reserved for girls. Syllabuses at all levels are the same for everyone.

However, a few private girls' schools, such as the Collège Notre-Dame des Apôtres, have reopened since denominational schools were returned to their owners. But the State, which continues to play the decisive role in the educational system, ensures that the syllabuses in force are correctly applied in all educational establishments, whether public or private. The only difference between the two is, ultimately, a matter of the educational tools employed.

10.2 Careers and vocational guidance

Pending the enactment of a Vocational Guidance Act, the State of Benin, in collaboration with partners in the development of the education system, has developed a policy of encouraging girls to take up careers and professions traditionally occupied by men. This is one of the goals of the "Let's Send Our Daughters to School" project launched by the Peace Corps in collaboration with Benin. Other activities under the project include assigning girls to female "sponsors" exercising such professions as garage-keepers, architects, housepainters, etc. The girls can spend their days off in the company and at the workplace of such "role models". The object is to break down the myth that certain occupations are reserved exclusively for men. The experiment began only in 1996-1997 and no evaluation has as yet been made.

10.3 Study grants

10.3.1 Award of national study grants

University studies in Benin take place essentially at two levels:

- In university departments, access to which is not subject to any special condition other than the baccalaureate;
- At specialised higher schools and institutes, access to which is gained by competitive examination.

The university departments of Health Sciences and Agronomy are treated as specialised higher schools and are therefore included in the second category.

Access to a specialised higher school or institute entitles all female and male students who succeed in passing the competitive entrance examination to a study grant.

The award of study grants for ordinary university departments is, on the other hand, subject to certain conditions as to age and income.

No discrimination on grounds of gender has been noted in the award of national study grants.

10.3.2 Award of foreign study grants

Applications by women students are increasingly being encouraged by awards of study grants from other countries, in particular Canada, Belgium and the United States.

Women applicants enjoy preferential treatment in two ways, namely:

- Qualifications: While male applicants for post-graduate grants have to hold an MA degree, a woman applicant need only have a BA;
- Choice of beneficiary: Where two candidates of different sexes have equivalent qualifications and attainments, priority in the award of a study grant is given to the female candidate.

10.4 Percentage of female staff in the education system

The development of human resources is considered sector by sector.

- Teaching staff statistics
- Pre-school sector

Developments in the teaching staff situation between 1990 and 1996 are shown in table 4. It will be seen that, after some ups and downs in the first few years, the situation improved in 1994-1995 and 1995-1996, especially as regards the proportion of women teachers, with growth rates of, respectively, 27% and 5.6% as against 3.8% and –2% for male teaching staff.

The pre-school education sector is strongly dominated by women teachers.

Table 4
Development of growth rates of pre-school teaching staff by gender and women/men ratio, 1990-1996

Period	*Growth rate (per cent)*			*Number of women,/number of men* 100*	
	Women	*Men*	*Total*		
1990-1991	–6.4	–2.5	–4.5	1990	126
1991-1992	–6.2	2.6	2.3	1991	121
1992-1993	2.1	6.1	3.8	1992	121
1993-1994	11.9	–9.2	–18.4	1993	144
1994-1995	–25	3.8	16.4	1994	119
1995-1996	27.0	–2.0	2.5	1995	146
				1996	158

Source: Human Development Report 1998, UNDP, extract from Table A 16, p. 214.

Primary sector

The available data relate to the school year 1995-1996. They are shown in table 5.

Except in the Atlantique and Ouémé *départements*, where numbers of male and female primary teachers are roughly equal, women teachers account for less

than 20% (7.5, 11.6, 12.5 and 19.3%, respectively, in the *départements* of Atacora, Mono, Borgou and Zou).

Table 5
Proportion of male and female primary school teachers by *département* in 1995-1996

Département	*1995-1996*	
	Female teachers	*Male teachers*
Atacora	7.5	92.5
Atlantique	41.1	58.6
Borgou	12.5	87.5
Mono	11.6	88.4
Ouémé	31	69
Zou	19.3	80.7
Benin	24	76

Source: Statistical Yearbook, MENRS, 1997.

Secondary sector

In this sector we distinguish between general, technical and vocational schools.

General secondary schools

An analysis of table 6 reveals the following:

- A successive decline in staff numbers in junior general secondary classes (C1 cycle) during the three school years from 1995 to 1998 (from 1,765 teachers in 1995-1996 to 1,614 in 1996-1997 and 1,597 in 1998);
- A successive rise in staff numbers in senior general secondary classes (C2 cycle) over the same period (from 557 in 1995-1996 to 669 in 1996-1997 and 702 in 1998).

Table 6
Staff numbers in secondary educational establishments by subject and cycle in 1995-1996, 1996-1997 and 1997-1998 at national level

	1995-1996				*1996-1997*				*1997-1998*			
	C1	*C2*	*C1 to 2*	*Total*	*C1*	*C2*	*C1 to 2*	*Total*	*C1*	*C2*	*C1 to 1*	*Total*
French and English	288		288	288	246		246	246	241	–	241	241
French History-Geography	178		178	178	152		152	152	128	–	128	128
Mathematics and Physics	384		384	384	344		344	344	348		348	348
Mathematics and Biology	332		332	332	315		315	315	311		311	311
Philosophy		53	53	53		52	52	52	–	59	59	59
French		77	77	77	41	81	122	122	60	82	142	142
English	92	101	193	193	73	116	189	189	81	121	202	202
Spanish		10	10	10		14	14	14	–	9	9	9
German		11	11	11		11	11	11	–	8	8	8
History, Geography	183	113	296	296	155	112	267	267	141	112	253	253
Mathematics		59	59	59	25	66	91	91	33	71	104	104
Physics, Chemistry	45	56	101	101	39	61	100	100	47	72	119	119
Biology	102	70	172	172	96	72	168	168	101	82	183	183
Economics		4	4		4	4	4		7	7	7	
Home Economics	28		28	28	43	9	52	52	21	9	30	30
Physical education and sports	119	3	149	149	73	71	144	144	64	70	134	134
Other	14		14	14	12		12	12	21	–	21	21
Total	**1,765**	**557**	**2,349**	**2,349**	**1,614**	**669**	**2,283**	**2,283**	**1,597**	**702**	**2,299**	**2,299**

Source: Social Log-book 1998, p.98.
Note: Gender-disaggregated data not available.
C2 = Senior secondary classes.

Technical and vocational schools

The number of teachers permanently employed in this sector has developed steadily between 1994 and 1998.

The number of teachers holding the requisite diplomas rose from 34 in 1994-1995 to 55 in 1995-1996, 59 in 1996-1997 and 123 in 1997-1998.

The staff situation is shown in the table below.

Table 7
Number of permanently employed teachers in public technical and professional schools (by grade)

Grade	*1994-1995*	*1995-1996*	*1996-1997*	*1997-1998*
Assistant teachers	91	91		
Teachers	20	15	131	117
Assistant professors	77	81	72	115
Professors	34	55	59	123
Others	4	3		
Total	**226**	**245**	**262**	**355**

Source: Social log-book 1999.

Higher education

Table 8 shows men as far outnumbering women in higher education (91% and 9%, respectively). Men also dominate in terms of professional qualifications, accounting for 94% of tenured professors, 91% of assistant professors and 78% of assistant professors in training.

Table 8
Teaching staff statistics by gender, National University of Benin, 1998

	Professors		*Assistant professors*		*Assistant professors in training*		*Total*	
	Number	*Per cent*	*Number*	*Per cent*	*Number*	*Per cent*	*Number*	*Per cent*
Male	83	94	324	91	128	78	556	91
Female	5	6	33	9	37	22	54	9
Total	**88**	**100**	**357**	**100**	**165**	**100**	**610**	**100**

Source: University personnel department/rector's office.

Generally speaking, it must be concluded that no significant quantitative development has occurred in any sector of the education system.

The decline in teaching staff numbers taking place year by year mainly affects the primary sector. It is due essentially to the fact that Benin is in a situation of structural adjustment. Recruitment into the education system, as in all other sectors, is carried out on the basis of regular retirements.

The authorized recruitment numbers fall considerably short of the sector's real needs.

The social log-book for 1998 shows that in 1996 the nationwide ratios of students per total class, students per teacher and teachers per class were,

respectively, 48.62, 52 and 0.94%. The figures vary from one *département* to another.

This situation accounts for the very large classes found in many schools.

The data illustrate the insufficiency of teaching staff numbers in the primary sector.

Atlantique is the only *département* where the students per class ratio is higher than the students per teacher ratio (49.05 as against 46.63).

19.5 Impact of the policy of encouraging school attendance by girls

***Primary level**

Between 1992 and 1997 the population increased from 4,915,000 to 5,798,000, which corresponds to an average annual growth rate of 3.3%.

In 1992, the year of Benin's ratification of the Convention, the gross national school attendance rate was 59.9%. The school attendance rate for girls was 42.7%. In some *départements*, such as Atacora, Mono and Borgou, the girls' school attendance rates were, respectively, 24.5%, 29.2% and 20.4%.

Thanks to the combined efforts of the Government, the development partners and the NGOs, the gross school attendance rate rose from 59.9% in 1992 to 68.8% in 1996 and to 72.53% in 1997.

By 1997 the gross school attendance rate for girls had risen to 55.71% from 42.7% in 1992, which represents a 13-point increase over five years.

The figure for boys rose from 75.3% in 1992 to 88.35% in 1997, i.e. also by 13 points over the same period.

The likelihood of a girl's attending school is greater today, but the gap between girls' and boys' school attendance continues to exist.

The repeat rate rose from 27.03% to 27.34% over the same period.

***Secondary level**

Junior classes

In 1997 the repeat rate was 19.7% for girls and 18.1% for boys. 28.3% of girls and 25.9% of boys repeated the 3rd junior year.

Senior classes

The 1998 edition of the human development report on Benin reveals that girls do better than boys at this level.

In 1997, the repeat rates in the last three years of secondary school were, respectively, 6.6%, 12.1% and 36.6% for girls as against 8.3%, 15% and 35.2% for boys.

The number of students in public technical and vocational schools, levels 1 and 2, has risen from 4,419 students in 1994-1995 to 5,054 in 1995-1996 and 5,565 in 1996-1997.

The number of girl students registered in private secondary schools rose from 2,388 in 1996 to 3,359 in 1997, an increase of 55.4% (cf. table 122 of the 1999 Social Log-book).

Higher education

The situation at university level is gradually improving, albeit slowly.

In the academic years 1994 to 1998, the number of women students in all establishments of the National University of Benin rose successively to 1,906, 2,051, 2,657 and 2,824 as against 9,101, 9,076, 11,398 and 11,676 men.

According to table 169, p. 106 of the Social Log-book for 1999, women students are also interested in careers traditionally reserved for men. Thus, the number of women agronomy students rose from 7 in 1994-1995 to 13 in 1995-1996, 19 in 1996-1997 and 24 in 1997-1998. There has been a revival of interest on the part of girls in becoming teachers of physical education and sports. The number of women students at the National Institute of Physical Education and Sports has seesawed, falling from 8 in 1994-1995 to 5, then rising to 12 and falling once more to 11 in 1997-1998.

The appreciable contribution of private initiatives to the development of the higher education sector should not be overlooked. It is particularly marked in the main cities, where school attendance needs are particularly great.

10.6 Causes for dropping out from city schools and measures for the reintegration of school dropouts

Girls' enjoyment of their right to schooling is limited by serious problems of various kinds, which include the following:

- Early pregnancies and forced marriages, especially at primary and secondary level;
- Family poverty, which makes parents incapable of bearing the direct and indirect costs of girls' school attendance;
- An education system that frequently fails to lead to employment, causing discouragement among parents;
- Large distances between the school and the child's home village, etc.

Efforts have been made to reduce the negative impact of these factors.

In 1992, the percentages of children moving up to the next class and dropping out of school were, respectively, 61.65% and 9.76%. In 1997 the figures were 64.69% and 7.97, which represents an improvement.

The overall conclusion is that girls' school attendance as a whole is progressing harmoniously despite the problems facing the sector.

Pregnancies and forced marriages

A struggle is going on between the State and the people responsible for the early pregnancies and forced marriages to which girl students sometimes fall victim. This struggle takes several forms: awareness-raising, denunciation, prosecution and punishment of perpetrators of sexual abuses and forced marriages.

The struggle against sexual abuses and forced marriage is meeting with resistance on the part of parents who do not know their rights or do not want to exercise them for fear of reprisals on the part of the perpetrator or his refusal to shoulder his responsibilities vis-à-vis the victim.

Over the past several years, NGOs such as the Association of Benin Women Lawyers (AFJB), the Netherlands Volunteer Service (SNV. the "Girls' and Women's Rights" project, etc., have concentrated their awareness-raising activities in parts of the country where forced marriages and marriages by barter are said to be particularly rife. Occurrences of these regrettable practices are therefore diminishing despite the weight of tradition.

Family poverty

Poverty is a very real obstacle to the full enjoyment of the right to education by all, especially girls. Many poor families give priority to sending their boys to school while keeping the girls at home. Parents continue to believe, wrongly, that a son's school attendance offers more guarantees for the future than a daughter's.

Several projects involving micro-credits and support for income-generating activities have been developed with a view to remedying this situation, which is prejudicial to girls from poor families. The Action Group for Social Justice and Equity (GAJES), the Benin Centre for the Development of Initiatives at the Base (CBDIBA), UNICEF projects such as DROFF and EDUCOM, the sponsorship and credit activities wing of Bornfounden, the Aid and Action project, the International Plan and World Education are all working among disadvantaged and single-parent families to make the right of girls to education an effective reality.

Difficulties arising from Benin's education system

Syllabus reform has become a necessity in order to provide an education in line with the country's realities and present-day technological development. A plan of action known as EQF ("Quality Basic Education") is being progressively implemented throughout the school system. Major efforts are made to rid our textbooks of out-of-date stereotypes that play down the role of women and, instead, to emphasise the importance of women to development.

Despite all these ongoing activities, the Government, lacking sufficient financial means, remains concerned about the implementation of its new educational policy and in particular about reforms in technical and vocational education.

The problem of distance

Efforts have been made for several years past to overcome this problem, which further discourages parents already disinclined to send their girls to school. Opening new primary schools and school canteens in disadvantaged areas is a way of helping the children.

Such measures have a strong positive impact and help to improve the primary school attendance rate. These efforts deserve to be strengthened and supplemented by steps towards the reintegration of girls who have dropped out of school.

10.7 Adult literacy classes

The demand for adult literacy classes is steadily growing, especially among rural women. Women have been aroused to the need for literacy by the difficulties they encounter in their economic activities. The problems become more complicated when they arise in pre-cooperative groups or in connection with the communal management of water sources, where women often hold strategic positions as treasurers or chairpersons.

Given the limitations of literacy in the national languages, the need to communicate directly with external administrations has given rise to a demand for literacy instruction in French.

Table 9 shows the structure and development of literacy instruction costs in percentages from 1992 to 1997.

1. The real costs of literacy instruction account, on average, for 0.06% of total public expenditure and 0.012% of GDP.

2. Wages accounted, on average, for 73.4% of the total costs of literacy instruction during the period from 1992 to 1997.

3. Operating costs other than wages were very low in 1992 and 1993 (average 2%). They rose to 18.14% in 1994 and to 23.34% in 1997.

4. In 1992 and 1993, investment costs were financed exclusively from extra-budgetary sources and amounted to 26.78 and 38.63%, respectively, of the sector's total expenditures. In 1997 they were financed entirely out of the national budget and represented 11.98% of total literacy instruction costs. No investment expenditures were recorded from 1994 to 1996.

Table 9
Structure and development of literacy instruction costs, per cent

	1992	*1993*	*1994*	*1995*	*1996*	*1997*
Wages	70.64	59.88	81.86	86.49	76.92	64.69
Operating costs other than wages	2.58	1.49	18.14	13.51	23.08	23.33
Investment costs	26.78	38.63	–	–	–	11.98
Total	**100**	**100**	**100**	**100**	**100**	**100**

Source: "Financing of essential social services, Initiative 20%-20%", table 26, p. 59.

The smallness of the credits allocated to literacy instruction under the national budget may suggest that the sector is neglected and not viewed as a fully-fledged part of the education system. In reality, these indicators are misleading. In the absence of public funding due to the economic restrictions imposed in the past few years, work in this area is being done through bodies such as IEC (Switzerland), the popularising activities of CARDER relayed by rural radio stations, women's group

projects for income-generating activities, etc. These bodies are providing literacy instruction on what necessarily remains a limited scale.

Several NGOs support functional literacy instruction as a supplement to the diverse activities being conducted within women's groups.

This is the case with the Group for Development Studies and Research (GERED) operating in the Borgou region, the SNV centres at Kandi, Cotonou, Dogbo, etc. The "Local Interventions for Self-Sufficiency in Food" Project (PILSA), the Support to Income-Generating Activities Project (PAGER) and the Support for Development in the Agricultural Sector Project (PADSA) (private component) are also taking an interest in these activities.

In 1992, the overall literacy rate in Benin was 60.28%. By 1997 it had risen to 68.28%.

To judge by the figures achieved in the past four years (1994-1998), literacy among women is developing in a positive manner. The number of women having completed a literacy course rose successively from 4,985 to 6,260, 6,353 and 9,185, almost doubling in four years. During the same period, the number of men having completed a literacy course rose from 13,668 in 1994 to 14,966 in 1995, 14,631 in 1996 and 18,629 in 1997.

One of the major obstacles to continuing literacy instruction activities among women is that women under-estimate their own learning capacities. Another is that women tend to be overworked and have no time for study.

In order to deal with the last-mentioned problem, teaching timetables are often adjusted to suit students' requirements. Use is also made of locally based instructors, especially women.

Article 11. Employment

11.1 General principles

Benin's laws do not discriminate between men and women in terms of access to employment. Women, like men, are entitled to exercise any professional activity they choose. No discrimination between women and men is practised at the recruitment stage.

Committed as it is to a concerted process of economic recovery and struggle against unemployment, underemployment and poverty, Benin urgently needs to make the best of its human resources and to adapt and speedily improve the quality and productivity of the available manpower.

The law does not specify that a particular profession must be exercised by a woman or by a man. But habits and trends do exist in that respect, although they are being corrected. Such is the case, for example, with the exercise by women of such trades as mechanic, petrol-station attendant, sailor or taxi driver, generally exercised by men. As for women, they are most often found in such occupational areas as office work, education and health. These facts are due to the physiological constitution of each group and not to any official regulation.

Women themselves – but also the Government – are encouraging women's access to occupations not previously exercised by them.

Little information is available concerning flexible working hours. Such cases as exist are to be found principally in the port and in certain private sectors.

11.2 Domestic legislation

The laws and regulations governing employment in Benin recognize the participation of women in public life.

The main reference texts are the Constitution, the Labour Code, the General Provisions and the Provisions for the Protection of Women at Work.

The Constitution

Under article 8 of the Constitution, the State ensures its citizens' legal access to vocational training and employment. Article 30, enshrining the right to work, provides as follows: "The State recognizes the right to work of all citizens and endeavours to create such conditions as will render the enjoyment of that right effective and will guarantee to the worker a just recompense for his services or products". Similar provisions are contained in article 15 of the African Charter of Human and Peoples' Rights.

Under article 31 of the Constitution, the State recognizes the right to strike, as well as trade union rights, subject to conditions defined by law, of all workers without discrimination as to gender.

The Labour Code

Act No. 98-004 of 27 January 1998 setting forth the Labour Code of the Republic of Benin represents an advance over the Labour Code of 1967 (Ordinance No 33/PR/MFTP of 28 September 1967), which it repeals.

Neither the Labour Code of 1967 nor that of 1998 contains any discriminatory provision as regards women's admission to employment or conditions of work.

General Provisions

Benin has adopted the principle of equal pay for equal work. Women enjoy the same rights as men in terms of salaries, wages and all allowances connected with the work performed.

Workers enjoy certain social advantages, which are set out in collective agreements in the case of private sector workers and in the General Statute of Permanent State Employees in the case of those in the public sector.

These advantages are the following: the right to administrative annual leave with pay; sick leave; leave for breast-feeding mothers; maternity leave for pregnant women; family allowances; marriage leave and leave in the event of death of a parent or spouse; leave on the occasion of a birth; retirement pensions; and, in the case of private sector workers, assistance from the Social Security Fund (OBSS). All forms of leave are with pay.

In the public sector, fathers enjoy 3 days' leave following a birth. The worker's career is in no way affected by such leave.

The compulsory retirement age is 55 for both men and women. In the public service, however, a worker is entitled to retire after 30 years of service. Workers' retirement contributions are the same for men and women.

Women are allowed to apply for early retirement with immediate enjoyment of their pension. Each live birth entitles the mother to one year's reduction of the retirement age.

Provisions for the protection of women at work

The 1998 Labour Code has 317 articles. Chapter II contains provisions governing the work of women and children.

Articles 169 to 173 concern the protection of women at work. Under article 169, a labour inspector may require women workers and young male workers to be medically examined in order to ascertain that the work they are performing does not exceed their forces.

A woman employed in work that has been recognized as too heavy for her must be given a more suitable job.

We must point out that in practice, work regarded as particularly harmful to women is found mainly in factories and mines. There are few such industries in Benin.

Special protection is accorded to pregnant women.

Except in cases of serious fault not connected with the pregnancy, no employer may dismiss a pregnant woman.

If a dismissal under those circumstances does occur, the woman is entitled to claim damages. It is up to her to apply for compensation to the relevant department of the Ministry of Labour or to the Tribunal for Social Affairs.

The amount of such damages must be paid without prejudice to other compensatory payments to which the dismissal may give rise.

All women are entitled to fourteen weeks' maternity leave and can, in addition, obtain a supplementary four weeks' leave in the event of illness duly diagnosed and connected with the pregnancy or the confinement.

She retains her wages, allowances, social security benefits and the right to free medical care and benefits in kind.

A pregnant woman is authorized by law to leave her work without notice and without having to make any compensatory payment to the employer for breach of contract.

Likewise, no breach of contract payment is required from a woman who leaves her employment without notice during the 15 months following her return to work after a confinement.

Article 208 of the Labour Code lays down the conditions for the remuneration of civil servants, as follows: "For work of equal value, equal wages shall be paid to all workers without distinction as to origin, sex, age, status or religious denomination".

Article 158 of the Labour Code provides for paid leave of two working days per month of effective service. However, a longer leave period can be granted, under conditions defined by law, to young workers of either sex below the age of 21.

Women workers or apprentices below the age of 21 are entitled to two days' additional leave for each dependent child.

The same privilege is extended to all women workers or apprentices above the age of 21 in respect of the fourth and subsequent children. Such additional leave may not exceed 6 days.

General collective labour agreement of 17 May 1974

This agreement is applicable to enterprises in the private sector and is designed to "regulate relations between employers and workers in enterprises and establishments of the private sector".

The principle governing workers' remuneration is set forth in article 31, which provides as follows: "Where conditions are equal as to work, seniority and professional qualifications, the wage shall be equal for workers whatever their age, sex or status ...".

Under article 44, working conditions for women and young workers aged below 18 years must be regulated in conformity with the law. Employers are required to take account of the condition of pregnant women workers in connection with their conditions of work. Pregnancy may not, in itself, constitute grounds for dismissal.

In the event of transfer to another job requested on the grounds of pregnancy by an approved physician, the woman worker is guaranteed the same wage in the new job as she was receiving in the old one.

Periods of maternity leave are regarded as working periods for the purposes of calculating the entitlement to paid leave (article 45).

General Statute of Permanent State Employees (Act No. 86-013 of 26 February 1986)

This Act ensures equal access to State employment for men and women. It sets forth the general provisions governing access to the civil service without any discrimination on grounds of gender. Chapter 1 sets out the general conditions for access to employment in the civil service at different recruitment levels.

The General Statute applies to "persons who, upon appointment to a permanent post, are granted tenure in a grade of the hierarchy of State administrations and services, communities, State companies, mixed-economy companies or public establishments of an industrial, commercial or social nature".

It thus recognizes the principle of equality of men and women as regards access to employment. It grants certain privileges to women with respect to their reproductive and maternal functions.

Article 12 provides that "no one may be admitted to State employment unless he/she:

- Holds Beninese citizenship or enjoys the rights attaching to the possession of Beninese citizenship, subject to the restrictions provided by law;
- Is entitled to the enjoyment of civil rights and is in good moral standing;
- Is in regular status as regards the laws concerning military or civilian service;
- Meets the physical aptitude conditions required for the exercise of his/her duties and is recognized as being free from, or definitively cured of, any tubercular, cancerous, nervous, poliomyelitic or leprous disease;
- Is at least 18 years and at most 40 years of age".

Article 12.2 provides that "no distinction between the sexes shall be made in the implementation of the present Statute".

However, under the special statutes of certain organizations access to certain posts may, by reason of the special requirements of the post in question, be limited to one sex only (article 12.3).

Article 13 requires the applicant to "provide proof of qualifications the nature and level of which are determined by, respectively, the nature and the category of the post in question".

Article 86 guarantees maternity leave for female permanent State employees under conditions set out in articles 94, 95 and 98.

Female staff members are entitled to leave on full pay for confinement and breast-feeding.

One hour's breast-feeding break per day is allowed until the child reaches the age of 15 months.

Maternity and breast-feeding leave is without prejudice to the female staff member's entitlement to "special leave with pay for special reasons (serious illness of the spouse or of a direct descendant or parent, marriage of the staff member or of one of his/her children, a birth in the staff member's household) or to annual leave, sick leave or extended leave.

Act No. 86-014 of 26 September 1986 setting forth the Code of Civil and Military Retirement Pensions

This Code, which is applicable to permanent State employees, military personnel, their widows or widowers and their orphans, sets forth the conditions for access to retirement and widowhood pensions.

Privileges are granted to women civil servants in that the qualifying age for a retirement pension is reduced by one year for each of her children (article 5 of the Code).

In addition, article 9 provides that each duly registered child counts for one year in terms of seniority.

Under article 20, women civil servants are entitled to an immediate proportional pension if they have at least three children or if "it is proved that they or their spouses are suffering from an incurable infirmity or disease that makes them incapable of performing their duties".

In the event of death of a husband who is a civil servant, the widow is entitled to act as her children's guardian and to administer her late husband's property. In polygamous families, each wife becomes the administrator of her own children's property.

Divorced or separated widows do not enjoy pension rights.

Widows who remarry or openly cohabit lose their right to a pension.

Act No. 90-004 of 15 May 1990 governing payroll declarations, recruitment and termination of labour contracts

This Act also does not contain any provisions that discriminate against women. It enjoins all employers to recruit their personnel freely without imposing any discrimination on grounds of sex.

In all cases of dismissal, all workers are entitled to claim the appropriate compensation.

11.3 Social protection

Laws and regulations relating to health and social security form part of the set of provisions governing each body or activity (collective labour agreements, General Civil Service Statute, Labour Code, etc.).

Generally speaking, pregnant women receive special treatment from the majority of employers.

Despite the traditional practice of polygamy, women in general and pregnant women in particular are regarded as persons who must be protected, defended and surrounded with all possible care.

11.4 Agricultural work

Unpaid agricultural labour is not taken into consideration in determining pension rights. This is so because such work is mostly done on a personal or private basis. However, where a labour contract with a public or private employer does exist, agricultural work is taken into account and provides entitlement to all subsequent advantages deriving from the national laws and regulations.

11.5 Women's employment statistics

The General Population and Habitat Census of 1992 showed that 14.1% of Benin's women form part of the economically active population, as against 19.3% for men. In terms of the area of residence, the number of economically active persons is greater in the countryside (60%) than in cities (34%) (p.9). The overall activity rate is 68% (82% men and 55% women). (*Source:* National policy for in-service vocational training, p.8).

Drift from the land and the growth of cities have led to an increase in women's employment.

Women are active principally in the commercial and catering sectors, where they account for 43.5% of the active population in cities and 95% in the countryside.

Women are also active in the informal sector, where they account for 59% of persons employed.

A breakdown according to profession or trade reveals that women are also active in the self-employed category, where they account for 64%.

24.6% of women work as home helps.

Only a minority of all working women (42.5%) are wage earners.

These 42.5% are to be found in all sectors of activity.

Table 10 below shows the breakdown of civil service staff by professional category and by sex from 1993 to 1997.

Table 10

Developments in the composition of civil service personnel by category and by gender, 1993 to 1997

Year	*1993*			*1994*			*1995*			*1996*			*1997*		
Category	*Men*	*Women*	*Total*	*Men*	*Women*	*Total*	*Men*	*Women*	*Total*	*Men*	*Women*	*Total*	*Men*	*Women*	*Total*
A	4, 455	1,034	5,489	4,346	1,650	5,996	5,158	1,218	6,376	5,184	1,227	6,411	5,160	1,222	6,382
B	5, 040	1,404	6,444	11,021	4,224	15,245	5,201	1,474	6,675	5,221	1,475	6,696	5,194	1,467	6,661
C	10, 090	4,237	14,327	5,102	1,649	6,751	8,215	3,781	11,996	8,245	3,802	12,047	8,210	3,794	12,004
D	3, 885	2,097	5,982	2,933	849	3,782	2,783	1,884	4,667	2,796	1,898	4,694	2,779	1,895	4,674
E	1, 668	181	1,849	1,860	453	2,313	1,183	147	1,330	1,186	147	1,333	1,178	145	1,323
Not available	816	59	875	290	72	362	1,064	133	1 197	992	110	1,102	881	94	975
Total	**25,954**	**9,012**	**34,966**	**25,552**	**8,897**	**34,449**	**23,604**	**8,637**	**32,241**	**23,624**	**8,659**	**32,283**	**23,402**	**8,617**	**32,019**

Source: MFTRA. Note: Staff members who have been seconded or placed on leave of absence are shown under "Not available".
Social Log book, 1999, p. 116.

In 1993, civil service staff totalled 34,966 persons (9,012 women and 25,954 men.

In 1994 these numbers had diminished (total: 34,449, women 8,897). The numbers for 1997 were: total 32,019, women 8,617.

The two tables below give a breakdown of permanent civil service personnel in active life by category, sex, ministry and institution on 31 December 1992 and 31 December 1997.

Table 11
Permanent civil service personnel in active life by category, sex and ministry or institution as of 31 December 1992

Ministry or institution	Category A			Category B			Category C			Category D			Category E			Not specified			Together		
	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total
AN	2	1	3	3	–	3	–	1	1	4	–	4	–	–	–	–	–	–	9	2	11
CS	25	1	26	4	1	5	6	9	15	19	11	30	3	–	3	–	–	–	57	22	79
HCR	1	–	1	–	–	0	1	–	1	2	–	2	1	–	1	–	–	–	5	–	5
MAEC	89	23	112	23	6	29	15	8	23	29	18	47	14	–	14	–	–	2	172	55	227
MCC	51	13	64	30	5	35	30	19	49	52	28	80	23	–	23	7	2	9	193	67	260
MCJS	–	–	–	–	–	0	–	–	0	–	–	0		–	0	1	–	1	1		1
MCT	74	25	99	57	20	77	73	22	95	89	24	113	6	–	6	–	1	1	299	92	391
MDN	1	1	2	–	–	0	1	1	2	1	1	2		–	0	–	–	0	3	3	6
MDR	627	77	704	384	29	413	696	94	790	1,446	329	1,775	610	7	617	299	3	302	4,062	539	4,601
MEHC	1	–	1	–	–	0	–	–	0	–	–	0	–	–	0		–	0	1		1
MEMB	–	–	–	–	–	0	1		1	–	–	0	–	–	0	–	1	1	1	1	2
MEMH	49	5	54	13	4	17	5		5	14	4	18	5		5	–	–	0	86	13	99
MEN	1,783	427	2,210	3,573	839	4,412	8,007	3,247	11,254	460	327	787	295	85	380	31	12	43	14,149	4,937	19,086
MET	201	13	214	69	4	73	46	13	59	107	44	151	51	–	51	2		2	479	74	550
MF	329	93	422	249	83	332	368	206	574	543	313	856	158	7	165	458	23	481	2,015	725	2,740
MFPRA	43	10	53	14	3	17	13	16	29	23	22	45	8	1	9		–	0	101	52	153
MIEEP	62	18	80	15	5	20	5	9	14	19	8	27	8		8	1	–	1	110	38	148
MIPME	25	5	30	3		3		3	3	9	2	11	1		1		–	0	38	10	48
MISAT	195	29	224	25	3	28	48	19	67	156	84	240	19	1	20	1	1	2	444	137	581
MJL	123	46	169	33	8	41	16	18	34	75	73	148	20	1	21	1	–	1	268	146	414
MJS	81	10	91	141	18	159	53	18	71	133	64	197	71	1	72	1	–	1	480	111	591
MPRE	140	32	172	39	19	58	19	18	37	83	35	118	118		16	–	–	0	297	104	401
MPS	–	–	–	–	–	–			0	–	–	–	–	–	0	–	1	1		1	1
MS	314	107	421	222	286	508	407	371	778	445	526	971	177	70	247	5	8	13	1,570	1,368	2,938
MSP	–	–	–	–	–	–	1		1	1	–	1	–	–	0			0	1		1
MTEAS	95	78	173	42	48	90	54	66	120	57	98	155	32	6	38	2		4	280	296	576
MTPT	69	6	75	23	3	26	9	4	13	39	13	52	21		21	1	2	1	162	26	188
PR	29	3	32	29	4	33	29	13	42	57	20	77	44	1	45	1	–	1	189	41	230
PRIMAT	–	–	–	–	–	–	–		–	–	1	1	–	–	–	–	–	–	–	1	1
Total	**4,409**	**1,023**	**5,432**	**4,991**	**1,388**	**6,379**	**9,903**	**4,175**	**14,078**	**3,863**	**2,845**	**5,908**	**1,583**	**180**	**1,763**	**813**	**54**	**867**	**25,469**	**8,861**	**34,330**

Source: Social Log-book, September 1999, p. 117.

Table 12
Permanent civil service personnel in active life by category, sex and ministry or institution as of 31 December 1997

Ministry or institution	Category A			Category B			Category C			Category D			Category E			Not specified			Together		
	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total
AN	31	3	34	7	1	8	3	1	4	7	2	9	2	0	2	8	0	8	58	7	65
CES	4	2	6	2	2	4	1	0	1							1	0	1	8	4	12
CC	6	1	7	1	1	2	1	1	2	3	0	3	2	0	2	21	3	24	34	6	40
CS	26	6	32	3	4	7	5	8	13	12	13	25	9	0	9	3	1	4	58	32	90
HAAC	14	1	15	1	0	1	1	1	2	0	1	1	1	0	1	21	2	23	38	5	43
MENRS	2,190	524	2,714	3,757	871	4,628	6,136	2,824	8,960	348	280	628	235	78		370	38	408	13,036	4,615	17,651
MEHU	75	11	86	24	2	26	9	4	13	43	19	62	15	0	15	12	0	12	178	36	214
MIPME	91	7	98	9	2	11	10	9	19	19	5		5	0	5	1	0	1	135	23	158
MISAT	198	30	228	43	5	48	51	19	70	53	48	101	16	0	16	3	1	4	364	103	467
MCC	127	29	156	98	29	127	141	33	174	161	60	221	52	2		7	1	8	586	154	740
MDN	4	0	4	1	0	1	3	2	5	20	3	23	42	0	42	1	0	1	71	5	76
MFPTRA	111	25	136	36	22	58	27	31	58	55	55	110	22	0	22	5	2	7	256	135	391
MJSL	42	6	48	31	7	38	17	11	28	29	29	58	24	1	25	7	0	7	150	54	204
MJLDH	99	43	142	25	6	31	14	16	30	53	68		13	1		2	0	2	206	134	340
MSPSCF	392	183	575	251	339	590	430	437	867	441	560	1,001	151	57	208	35	18	53	1,700	1,594	3,294
MAEC	146	32	178	34	9	43	29	17	46	54	24	78	17	0	17	39	14	53	319	96	415
MF	377	121	498	326	79	405	616	200	816	383	301	684	121	2	123	40	5	45	1,863	708	2,571
MMEH	109	10	119	42	5	47	12	6	18	36	14	50	16	0		5	0	5	220	35	255
MTPT	202	24	226	70	6	76	35	12	47	60	33	93	31	0	31	6	2	8	404	77	481
MCAT	77	25	102	36	21	57	22	28	50	41	24		2	0	2	1	0	1	179	98	277
MDR	630	83	713	346	29	375	608	101	709	829	296	1,125	349	4	353	276	4	280	3,038	517	3,555
MPREPE	160	47	207	33	20	53	15	23	38	79	37	116	16	0		4	0	4	307	127	434
PR	32	7	39	14	7	21	21	9	30	45	21	66	34	0	34	9	2	11	155	46	201
PRIMATURE	17	2	19	4	0	4	3	1	4	8	2	10	3	0	3	4	1	5	39	6	45
Total	5,160	1,222	6,382	5,194	1,467	6,661	8,210	3,794	12,004	2,779	1,895	4,674	1,178	145	1,323	881	94	975	23,402	8,617	32,019

Source: MFPTRA.
Social Log-book, September 1999, p. 119.

11.6 Effects of married status on women's work

So far as the laws and regulations are concerned, married status does not affect security of employment. But in some posts (e.g. the diplomatic service) it is recommended for male staff to be married.

Benin does not yet have a sufficient number of nurseries and other child-care facilities. Children's "Awakening and Stimulation Centres" (CESE) are a form of publicly or privately operated nurseries and represent the first level of schooling. They count as schools and do not take babies between birth and the age of 2 but, rather, infants aged 3 to 5. More and more nurseries are being opened privately in city neighbourhoods. The centres employ qualified personnel.

Parents make their own child-care arrangements. They often employ the services of domestics ("boys" or "maids") or of child servants commonly known as "vidomegons", paid or unpaid, as the case may be.

11.7 Women's participation in trade union activities

Benin's democratic renewal has re-dynamised the trade union movement. Women are fully involved in this process, but reliable statistics for all trade unions are not available. We do know, however, that women account for 33% of members of CGTB (General Confederation of Benin Workers). According to another source, 18 to 22% of these women are active trade unionists and around 8 to 10% form the most active nucleus.

11.8 Sexual harassment of women at work

This problem is often raised at official meetings, especially in connection with female children employed as domestic servants. Trade unions, especially those concerned with domestic workers, sometimes receive complaints.

Generally speaking, cases of sexual harassment and sexual violence against women do not come before the courts. Women victims of such practices are reluctant to denounce them or to bring a court action. It is therefore difficult to give an accurate description of the phenomenon in the absence of reliable data concerning its scope.

Article 12. Equality of access to health care services

The principle of equal access to health care services is founded upon article 8 of the Constitution of 11 December 1990, which provides as follows: "The human person is sacred and inviolable. The State has an absolute obligation to respect and protect it. The State guarantees the full flowering of the human person. To that end, it ensures equal access to health, education, culture, information, vocational training and employment for all its citizens".

Respect of this principle is affirmed in the Government's Action Programme of May 1997. In this document, the Government undertakes to provide a minimum of social welfare, including health care, to all citizens. The same document proclaims the Government's intention to create conditions that will enable women and young people to contribute their strengths and initiatives, which are essential to progress, to the cause of national construction.

The implementation of these undertakings, in so far as they relate to meeting the health requirements of the population in general and of women in particular, calls first for the creation of legal and institutional machinery and, second, for the adequate functioning of that machinery. A consideration of the situation of women as regards health care must be based upon the measures taken in that field and upon the day-to-day realities of the enjoyment of that right, which is recognized for all.

12.1 Evaluation of machinery available in 1992 and 1993

In 1992 Benin had a total of 798 health infrastructure units, as follows:

- One national hospital;
- 4 departmental hospitals;
- 84 health centres attached to sub-prefectures and city wards;
- 305 community health centres;
- 10 isolated maternity hospitals;
- 52 isolated dispensaries;
- One psychiatric centre;
- 2 pulmonary tuberculosis centres;
- 9 leper houses;
- 37 school infirmaries; and
- 293 village health units.

12.2 The situation in 1996-1997

From 1992 to 1997 there was no change in the number of certain categories of infrastructures, e.g. the national hospital, the sub-prefecture and urban ward health centres, and specialized hospitals.

As for departmental hospitals, their number rose from 4 to 5 and that of communal health centres from 305 to 306.

During the same period the number of maternity hospitals in creased from 10 to 17, i.e. by 79%. The number of village health units rose from 293 to 310 (17%).

It can be concluded that the greatest efforts were focused on the health care facilities most needed by the rural population, especially women. Women are the principal users of isolated maternity hospitals, village health centres and the maternity sections of departmental hospitals in the event of complications during confinement.

Note also that efforts have been made to improve the services offered by the National Hospital (CNHU) and the Lagoon Maternity Hospital at Cotonou, whose reception capacities have been expanded and the quality of health care improved.

12.3 Human resources

Numbers of technical health personnel in the public sector have developed as follows:

- The number of doctors has risen by 33.33%;
- The number of health inspectors has risen from 3 to 29, i.e. by a factor of 9, since 1992;
- In 1997 there were 500 midwives as against 413 in 1992, which represents an increase by 21%.

Despite these positive developments, we are still nowhere near reaching the required norms. The goal of "a doctor for every thousand inhabitants" has not been attained. To make up for the shortage of doctors, the population sometimes has recourse to traditional practitioners. The number of these, according to the "Policies, norms and standards" document of the Ministry of Public Health, was estimated at 5,000 in 1996.

12.4 Financial resources of the Ministry of Public Health

The public investment programmes (PIP) of the Ministry of Public Health were as follows:

- 1993: 5,340,513,000 CFAF
- 1994: not available
- 1995: 12,081,901,000 CFAF
- 1996: 13,024,530,000 CFAF
- 1997: 14,195,780,000 CFAF.

Thanks to efforts by the State and the Ministry's development partners, the budget allocated to this sector in 1992 has almost trebled. However, the health sector's share of the national budget remains highly inadequate (4.9% in 1996 as against 8% recommended by WHO) (Cf. the "Policies, norms and standards" document of October 1998).

12.5 Principal measures taken

1. Establishment, by Decree No. 94-145 of 26 May 1994, of the Family Health Board, mandated to design, plan, coordinate, monitor and evaluate family health activities. The Board is strongly supported by the United Nations Population Fund (UNFPA).

2. Launching of several studies, including the 1996 population and health survey, designed to assess the social and economic situation of women;

3. Holding of an international symposium on the elimination of legal obstacles to sexual and reproductive health, Cotonou, 24 to 26 March 1997;

4. Adoption of a population policy declaration for the Republic of Benin;

5. Signing of cooperation agreements with UNFPA and other partners on technical and financial support for programmes aimed at the advancement of women in Benin;

6. Publication in January 1997 of the "Policies, norms and standards" document on family health, which gives pride of place to procreation and female health problems as well as to the conditions necessary for meeting family health requirements;

7. Launching of the "Safer motherhood" project in 1997. This project has several institutional components;

8. Authorization, on an exceptional basis, to recruit permanent civil servants and contractual staff with a view to overcoming the severe shortage of personnel from which the health sector has been suffering since Benin's adoption of the structural adjustment programme.

Dealing effectively and in a sustainable manner with women's health problems calls for the elimination of legal and social obstacles to action on this field, including, inter alia, the Act of 31 July 1920 prohibiting incitement to abortion and all propaganda in favour of contraception, still in force.

With that end in view, the Ministry of Public Health in collaboration with the Ministry of Justice, Legislation and Human Rights has embarked upon the procedure of repealing laws that have become barriers to the furtherance of family planning. Preliminary draft decrees have also been adopted and draft Acts forwarded to the National Assembly concerning:

- Voluntary therapeutic interruption of pregnancy;
- Prohibition of incitement to abortion.

Awareness-raising and information activities have been undertaken as part of the campaign for the eradication of female genital mutilation. These activities are oriented towards female circumcisers, the population at large and the notables. Several NGOs are involved, the most active in this field being "CIAF/Benin" and "*Dignité Féminine*". The regions affected by the phenomenon are Nagot, Boko, Baatonou, and Peulh in Atakora, Borgou, North Zou and North Ouémé.

Workshops and seminars on this issue have helped to identify the economic problems that are among the factors responsible for the vicious circle of female circumcision.

Female circumcisers are attached to their trade because it is their only source of livelihood. The NGOs have therefore begun, with the development partners' support, to study ways and means of retraining these women in some other trade in the hope of getting them to abandon the practice. Some female circumcisers in North Zou have already decided to do so.

12.6 Sexually transmissible diseases and AIDS

In 1987 Benin embarked upon a campaign against sexually transmissible diseases in general and the AIDS pandemic in particular. A national programme of struggle against AIDS was developed to that end. The programme has the following two components:

- Prevention of AIDS; and
- Taking care of AIDS sufferers.

The programme is supported by UNAIDS, the World Bank, USAID and the European Union, as well as under Benin's cooperation agreements with France, Switzerland, Germany, the Netherlands, etc.

At the national level, several NGOs, including in particular Caritas, PSI, Initiative Development (ID) and others, are engaged in the struggle against these diseases.

It will be seen from Table 13 that all age brackets, including infants from 0 to 4 years, are affected by the AIDS phenomenon. The concentration is, however, greatest between the ages of 20 and 49.

Note also that women AIDS sufferers are less numerous than men (816 as against 1,475).

Table 13
AIDS cases declared before June 1997, by gender and age bracket

Gender, age bracket	*Men*	*Women*	*Total*
0-4	64	57	121
5-14	14	8	22
15-19	24	32	56
20-29	361	303	664
30-39	544	225	769
40-49	284	110	394
50-59	82	36	118
60+	26	11	37
Not specified	60	34	94
Total	**1,459**	**816**	**2,275**

Source: National AIDS Control Programme.
Social Log-book, 1999, p. 81.

The number of HIV-positive persons among the working population is considerable in relation to the total population of economically active age. Therefore, given the appreciable impact of HIV/AIDS on the patient's state of health (loss of energy, absenteeism), the disease represents a real threat to our economy, already very fragile, since it gradually reduces the victims' working capacity.

Table 14
Estimated number of HIV-positive persons among the working population in 1997

Département	*Total population*	*Population of economically active age*	*Number of HIV-positive persons*
Atacora	755,294	503,780	18,136
Atlantique	1,253,943	786,222	28,304
Borgou	990,264	607,032	21,853
Mono	793,202	632,975	22,787
Ouémé	102,830	722,564	26,012
Zou	960,070	667,249	24,021
Total	**4,855,603**	**3,919,822**	**141,113**

Source: Social Log-book, 1999 edition, p. 82.

Means of fighting HIV/AIDS

One of the principal means of fighting the spread of HIV/AIDS is and remains that of protecting oneself against the virus, whose main way of entering the human organism is through sexual intercourse.

Several channels for the distribution of male or female sheaths (condoms) have been established to ensure ready access.

Condoms are sold at snack bars, petrol stations, inns and hotels, restaurants, pharmaceutical stores, etc.

Reluctance on the part of sexual partners, both male and female, to use condoms is, however, observed even when these are readily available at the crucial moment. This appears to be due to doubts as to the existence and nature of AIDS, mistaken beliefs about the properties of condoms, and so forth.

The female sheath remains little known despite efforts made to popularise it since 1995 by FISC (International Federation of Red Cross and Red Crescent Societies) and WHO in refugee camps in the *départements* of Atlantique, Mono, Ouémé and Zou.

12.7 Activities and strategies developed

Awareness-raising activities

Initiative Development (ID), in collaboration with the National AIDS Control Programme, the French Association of Progress Volunteers, Population Service International (PSI) and the Benin Social Marketing Association (ABMS), has developed a programme to fight the AIDS pandemic and a programme to raise people's awareness of the threat represented by sexually transmissible diseases including AIDS. The project covers several neighbourhoods in the city of Cotonou. At awareness-raising sessions 80% of the audience are women. ID focuses its attention on women and girls in the hope of getting them to shoulder their responsibilities in the struggle against sexually transmissible diseases and persuading them to develop the habit of using condoms or sheaths, towards which

some people still remain sceptical or indeed refractory despite the current AIDS situation.

Some NGOs are investing in so-called "accompanying measures" associated with the taking into care of AIDS patients. This is the case, for example, with CARITAS Benin, which, through its NGO known as SEDEKON, provides financial support in the form of interest-free loans to patients with a view to enabling them to engage in income-generating activities to provide for their own and their families' needs. If the patient's health is already too severely affected, the loan is granted to a family member.

Analysis

At the start of the AIDS control programme, activities consisted in trying to raise the awareness of the public at large. Teams were sent to public squares in towns and villages (or to marketplaces under the "palaver tree") where they addressed the population and conducted debates followed by a demonstration of the use of condoms and a free condom distribution to fight sexually transmissible diseases including AIDS.

Ten years on, the results are not very encouraging. The proportion of AIDS sufferers, which stood at 0.36% in 1990, had risen to 3.29% by 1997. A change of approach was deemed necessary. Since 1997, a new experiment has been under way. It consists in training groups of women to raise awareness of the need for AIDS prevention. The advantage of this approach is that it has a multiplier effect and brings programme workers closer to the beneficiaries.

12.8 Nutrition

Gender differences in terms of growth are relatively slight: 27% of boys suffer from retarded growth, including 10% in a neutral form, as against 23% and 6%, respectively, of girls. Educational level and environment are the most obvious factors. The *départements* of Mono and Atacora are those most affected by malnutrition because of seasonal shortages of the staple food in these rather poor regions (cf. Table 16).

PILSA is active in several localities, especially in those two *départements*, with a view to reducing the problem of malnutrition.

Table 16
Nutritional status of children by demographic characteristic (extracted from table 10.7, EDSB 1996)

Anthropometric indicators

Characteristic	*Height for age*		*Weight for age*		*Weight for age*		
Gender of child	*Below −3ET*	*Below −2ET*	*Below −3ET*	*Below −2ET*	*Below −3ET*	*Below −2ET*	*Number*
Male	9.5	27.2	2.6	16.0	8.7	32.1	1,145
Female	6.0	22.7	2.8	12.6	6.1	26.2	1,128

Source: Population and Health Survey, 1996, p. 151.
Note: ET = Standard deviation: a child is suffering from malnutrition if it is below –2 ET of the mean figure for the reference population.

12.9 Equal health care for men and women

No discrimination exists in dealing with the population's health problems, except for certain food or other products that are prohibited for women in specific situations, such as pregnancy, breast-feeding, etc.

Benin has adopted the primary health care principle that recommends greater closeness between carer and beneficiary as well as easier financial access to health care. Financial accessibility is based on the practice of community funding, with a lump sum charged for medical consultations, prescriptions and prescribed medicines.

12.10 Consideration of developments in the health situation of women

Nutrition

A programme of information, education and communication to promote a nutritious diet based on local produce occupies an important place in the policy document entitled "Norms and Standards in Family Health". This programme is supported by:

- Systematic prescription of supplementary iron to pregnant women;
- Distribution of vitamin A to mothers during 40 days following confinement; and
- Promotion of the consumption of iodised salt by all households as a means of preventing goitre, which is endemic in several parts of the country.

Main causes of morbidity and mortality in women

Morbidity

The principal causes of morbidity in women are the following:

- Malaria
- Respiratory infections
- Gastro-intestinal infections
- Diarrhoeas
- Traumatism and anaemia.

Mortality

The principal causes of maternal mortality are the following:

- Complications following abortion;
- Haemorrhages during delivery;
- Puerperal infections;
- Toxaemia and dystoxia in pregnancy.

In 1993, 55.4% of women had their babies at a health facility of one kind or another. In 1997, 68.1% of all women were receiving antenatal care (this figure varies between 60% and 81% in different parts of the country). Note that the above

statistics do not include private health facilities, whose input in the field of maternal health is far from negligible.

Standards of maternal health care evaluation have evolved appreciably. In 1997, a pregnancy was not considered properly monitored unless the woman had been examined at least three times, including once in the first three months and once in the last three months of pregnancy. That was not so in 1993.

The number of assisted live births countrywide rose slightly from 1996 to 1997 (145,131 to 148,267), while the number of stillbirths declined from 4,591 to 4,524 in the same period.

12.11 Family planning and reproductive health activities

Family planning activities are relatively well developed despite problems arising from the Anti-contraception Act of 1920 and the country's social and cultural realities. Benin is, in fact, a pro-natalist country. The proportion of women with unmet contraception requirements was estimated in 1996 to be 26%, which corresponds to the percentage of women not living with a partner.

The partner's prior authorization is generally required before a woman can receive family planning assistance. Such authorization or the refusal thereof is, however, tacit.

Therapeutic abortion to protect the health of the mother is envisaged only if the mother's life is genuinely under threat.

Pregnancy and ultra-sound tests are commonly used.

Amniosynthesis is practised only exceptionally on women with a history of miscarriages.

Abortion being prohibited , statistics on that subject are seldom available. Only cases with complications, often referred to the health services, are reported. The illicit nature of the act means that practitioners do not refer their clients unless there are obvious complications. The specialist's intervention is delayed and, in most of the reported cases, the patient dies.

The number of reported abortions was 6,200 in 1996 and 6,330 in 1997. These figures do not reflect the real dangers facing Benin's women.

Voluntary sterilization is not commonly practised although the technical know-how is available. Today, some couples will decide jointly not to have more than a certain number of children, but mentalities are not yet ready for sterilization with its irreversible consequences.

12.12 Female genital mutilation

Excision represents a sure threat to the health of mothers and children. It is practised in the regions of North Zou, Central Atacora, the Ouémé plateau and Borgou.

The Inter-African Committee for the Eradication of Practices Harmful to Mothers and Children (CI-AF) estimates that around 620,000 women in Benin are affected by genital mutilation. Efforts are being made to eradicate the practice.

Some women practitioners have promised to abandon the practice and plans are being made to train them for alternative employment.

12.13 Medical assistance in childbirth

According to the conclusions of EDS, the situation as regards medical assistance in childbirth is better in Benin than it was in Senegal in 1992-1993, Burkina Faso in 1993 and Côte d'Ivoire in 1994, where the percentages of women giving birth with the help of a professional health carer were, respectively, 47, 42 and 45%.

The survey reveals that 64% of births recorded in Benin in the preceding three years took place with the assistance of health personnel at the moment of confinement (54% with a midwife or nurse, 6% with a doctor and 4% with an assistant midwife).

However, there are disparities. Thus, for example, mothers in Borgou and Atacora are the least assisted during confinement (39 and 40%).

Some confinements are still taking place in the home.

This situation is principally due to the distance from home to health centre, the shortage of transport and the poverty of many households.

Article 13. Social and economic advantages

The right to property, the equality of all – men and women – before the law, and the right to work and to just remuneration of one's services or products are recognized by the Constitution in its articles 22, 26 and 30.

13.1 Conditions of access to employment

In public administration, these provisions of the Constitution of 11 December 1996 are, generally speaking, observed as regards the recruitment and payment of State employees. With the adoption of the Structural Adjustment Programme and the ending of automatic recruitment upon completion of secondary studies, entrance to the public service is today subject to a competitive examination. In practice, there exists no special barrier to the recruitment of women.

In the private sector, recruitment is governed by the principle of free choice. The employer is free to choose his employees.

Some private companies are increasingly relying on outside advice (e.g. by CEPAG, the Centre for Improvement and Assistance in Enterprise Management, and local consultants' offices) in the selection of candidates. The private sector sometimes has certain preferences owing to which the principle of equality of men and women is not always strictly complied with. Positive discrimination is sometimes practised in favour of women. That is the case, for example, with several development projects, where female candidates may be given preference over men. Certain NGOs, both national and foreign, also give special attention to women's applications for field jobs in the desire to meet community development goals and to encourage women's efforts. However, the posts in question are usually only those of community organiser or project coordinator.

Under Beninese law, men have priority over women in receiving family allowances. Where both husband and wife are permanent State employees, it is often the husband who will be the direct beneficiary of the family allowance. The disadvantage to the wife is twofold:

- She is deprived of the right to family allowances that should be hers both as the mother of her children and as a servant of the State;
- Her IPTS (progressive salaries and wages tax), which is calculated on the basis of several factors including the number of family dependants, is increased because a woman is classified as having "zero children" and this reduces her take-home pay.

Women on the staff of the Ministry of Finance and Economy, aware of these injustices, have launched a trade union campaign for the revision of the law. This campaign, aimed at achieving equity and justice, has not yet borne fruit.

However, mothers who are single or widowed do receive family allowances if it can be proved that these allowances are not already being paid in respect of the child or children on whom her claim is based.

Apart from family allowances, the utilization of which is sometimes a source of marital conflict, there exists no other kind of formal or informal discrimination in the State's attribution of social rights.

Desirous of taking the situation of women more fully into account, our labour legislation provides for:

- Non-discrimination as regards wages or grades;
- The right of wage-earning women to apply to the Labour Inspection Board for a medical examination to ascertain that their work does not expose them to excessive danger or stress and to request, on a par with male workers, that the situation be brought to an end.

In any case, there exists no discriminatory legal provision that is disadvantageous to women. Thus, in addition to paid maternity leave, women wage earners are entitled to all other advantages enjoyed by men in the same category.

However, because of women's health which is often weakened by pregnancies, and their responsibilities in the home which mean that they are not always available for work, private employers are not greatly interested in female job applicants. Stereotypes also sometimes play a negative role in this respect.

13.2 Access to credit

The State does not grant credit directly. This is taken care of by standard banking institutions, which grant loans at interest. Since the economic crisis which led to the bankrupcy and liquidation of certain banking institutions, and in line with the liberalization of private initiative, many micro-financing institutions have sprung up, making up for the shortage of local banks, establishing closer links with their clients and facilitating access to credits.

Some of these micro-financing institutions were created by the State. They include the Support of Income-Generating Activities project (PAGER), the Local Interventions for Food Security project (PILSA), the Support for the Development

of the Agricultural Sector project (PADSA), private component, the Support for the development of Micro-Enterprises project (PADME), the Support for the Development of Small and Medium-Sized Enterprises project (PAPME), the Support for Social Action Fund (FSAS), the Economic Assistance to Women of Ouémé Project (PAEFO), the Village Development Fund (FDV) located at the CARDER offices, and the Women's and Girls' Rights Fund (DROFF). The list is not exhaustive because such bodies are scattered all over the country and there is no effective coordinating system.

The private sector is strongly represented. Among the private institutions working in the field of access to credit assistance we may mention the Netherlands Volunteers' Service (SNV), the Study and Research Group on Environment and Development (GERED), the Centre Béninois pour le Développement des Initiatives à la Base (CBDIBA), the Action Group for Justice and Social Equality (GAJES), Bornfounden, CARITAS Benin and others.

The 1998 Social Log-Book lists 16 NGOs active in the micro-financing field. The object of all these bodies, most of which came into existence around 1992, is to offer better conditions to women wishing to exercise a lucrative activity. By helping women to avoid the ruinous paths of usury and the difficult and often humiliating guarantee conditions imposed by regular banks, these new institutions have become real actors in the eradication of the endemic problem of female poverty.

Indeed, all studies on the economic situation of the Beninese people reach the conclusion that poverty exists in both town and country and that women are particularly affected.

The Programme of Studies and Investigations in the Informal Sector (PEESI 1992), gives the lowest average wage in that sector as 13.053 CFAF. The same source tells us that women account for 43% of the active population and are responsible for 85% of value added in the commercial sector, where they form the majority of the workforce.

The activities of various credit granting or facilitating bodies are channelled through AGEFIB, which has offices throughout the territory of Benin. Micro-credits totalling 12,663,000 CFAF have gone to 740 women, who account for 55.61% of the beneficiaries Men, for their part, have received 6,735,000 CFAF or 29.57%. Solidarity groups have received financing in the amount of 3,373,000 CFAF, or 14.81% of the total.

PADME, whose activities are confined within a 30 km radius from Cotonou, covered 9,105 clients, including 7,116 women (78.15%) and 1,989 men (21.84%), between 1994 and 1997. The loans placed totalled 2,588,316,618 and 952,615,598 CFAF respectively (73.09 and 26.9%).

Certain NGOs operate exclusively among women. That is the case with the Women's Mutual Aid and Solidarity Association (ASSEF) of SNV. Savings between 1995 and 1997 totalled 25,081,170 CFAF, the unpaid contributions rate dropping from 20% to 2%. The number and membership of ASSEF savings funds have grown steadily from year to year (1,805 in 1995, 2,618 in 1996 and 3,456 in 1997).

CBDIBA, which is operating in the regions of Zou, Mono and Atlantique, granted credits totalling 24,902,035 CFAF to women's income-generating activities

in 1994. It also initiated the establishment of Village Savings and Credit Funds (CAVECA) and has also granted credits to schools. This example is spreading.

All the above reflects the synergetic effects of the State's and the NGOs' activities on behalf of women.

Access to credit is greatly appreciated by both town and country dwellers. The organization of this sector represents a major advance in developing and changing the situation of women. Combined with other measures, such as literacy instruction, health education and family planning, it constitutes a valuable element in ensuring that all these programmes will have lasting effects.

The most important innovation undoubtedly consists in the gradual replacement of individual loans (obstacles to access to credit) by loans to solidarity groups, thus emphasizing the value of belonging to a group – which is, in itself, a factor of profound change.

The credit network is so widely scattered that the real scope of coverage is difficult to assess. However, on the basis of existing literature, it would not be exaggerated to say that the problem of access to credit is in process of being resolved. The growing number of female clients also testifies to women's interest in credit facilities.

Some difficulties exist, however, owing to inexperience in credit management, illiteracy and the insufficiency of credits.

Moreover, the profits derived from economic activities are insufficient compared with the many responsibilities that weigh upon women and stand in the way of the rapid development of such activities. These are obstacles that women have to face every day of their lives. It is therefore important to review the length of the period for which credits are granted, since short-term loans do not enable women to become autonomous and qualify for regular bank loans.

Table 17
Recapitulation of loans granted by or through institutions

	Number of beneficiaries and amount									
	Women/amount			*Men/amount*			*Solidarity group/amount*			
Institution	*Number*	*Amount*	*%*	*Number*	*Amount*	*%*	*Number*	*Amount*	*%*	*Total*
AGEFIB	740	12,663,000	55.61	166	6,735,000	29.57	35	3,373,000	14.81	
PADME	7,116	2,588,316,698	73.09	1,989	952,615,598	26.90	–	–	–	

Article 14. Rural women

Country dwellers often face problems of communication and access to basic social services. Because of the strategic role they play in meeting their families' vital needs, women are more affected by these problems than men. Radical improvements in living conditions are having positive repercussions on the situation of women. Many changes have taken place since the Convention's entry into force.

14.1 The economic situation of rural women

One of the major problems of rural women is the inaccessibility of agricultural credit.

Surveys were conducted in 1994-1995 with a view to assessing the socio-economic situation in the countryside. The main problems were found to be the following: shortage of land, impoverishment of the soil, lack of credit, lack of agricultural equipment and materials, lack of processing equipment, small profit margin, the harsh nature of manual agricultural work, veterinary problems, lack of grazing land, etc.

An efficient policy of access to credit has been developed with a view to meeting these problems.

14.2 Rural women's access to credit

Several public and private organizations are working on access to credit in the countryside.

The State structures involved are the following:

Ministry of Rural Development, Ministry of State responsible for coordinating Government action in the fields of planning, development and promotion of employment, Ministry of Social Protection and the Family, and Ministry of Finance and Economics. The policy of access to credit developed since around 1995 is focused on creating machinery for the financing of small businesses, agricultural activities, food storage facilities, etc. Five major institutions have been created with this object in view, viz.:

- Project of Local Interventions for Food Security (PILSA);
- Project of Support for Income-Generating Activities (PAGER);
- Support of Social Action Fund (FSAS);
- Project of Economic Support for Women in Ouémé (PAEDO);
- Village Development Fund (part of the CARDER scheme); and
- National Fund for Agricultural Development, with its decentralized local funds.

14.3 Private structures of assistance to access to credit in the countryside

Several national and international NGOs, as well as certain other institutions, are very active in the micro-financing field. They include the following:

- Project of Support of Small and Medium-Sized Enterprises (PAPME);
- Action Group for Justice and Social Equality (GAJES);
- Centre Béninois pour le Développement des Initiatives de Base (CBDIBA) ;
- Study and Research Group for Development (GERED);
- Bornfonden;
- Netherlands Volunteer Services (SNV);
- PUIF, etc.

14.4 Efforts to ensure rural women's access to credit

Thanks to support from PILSA, 125 women's groups in 37 sub-prefectures received micro-credit assistance in 1995. In 1996 and 1997 respectively, 350 and 303 women's groups engaged in activities including food production, food processing, small-scale trading, storage of agricultural produce, market gardening, etc.

PAGER, established in 1995, began its activities on behalf of rural populations in 1996. This project provides financial services (village banks with capital mobilized by the purchase of shares) to both men and women, either as individuals or in associations.

According to PAGER statistics, the project has 17,952 individual beneficiaries, including 7,412 women (42.3%), and 114 beneficiary groups.

Private structures such as CBDIBA, Bornfonden, GERED and PUIF grant credits to women to help them meet agricultural production costs, run a small shop or, in some cases, send their children to school.

Local structures of the National Agricultural Credit Fund grant loans to women both on an individual and on a collective basis. However, their statistics are not gender-disaggregated and it is therefore impossible to assess the women's share. Since 1993, the Abomey CLCAM has been conducting a successful experiment in the form of the so-called "Yenawa groups". These groups have more than 5,600 clients and 4,000 members with an authorized capital of 10,000,000 CFAF. Since 5 June 1994, the Yenawa groups have their own Board of Management and a Supervisory Committee.

Several institutions, including FENU, PUIF, UNSO and others, are collaborating with local Agricultural Credit funds in the award of loans of women's groups. Four villages in the Cobly area (Taparga, Nouangou, Namontchaga and Sinnu) are receiving support for their reforestation activities and obtaining working capital for activities of a lucrative nature.

GERED, for its part, is operating in several sub-prefectures of Borgou, including Malanville and Segbana.

However, the large number of micro-financing institutions that have sprung up and the fact that they are scattered all over the national territory are making their activities very difficult to coordinate. An initiative to produce a list of such institutions with a view to coordinating this sector was recently adopted by the Ministry of Finance and Economy in preparation for the entry into force of the PARMEC Act.

14.5 Women's groups

There exists no legal obstacle whatever to the forming of women's associations or pre-cooperative groups for profit-making purposes. Associations and NGOs are governed by the Act of 1901, which sets forth the relevant conditions.

The register of women's NGOs and associations in Benin prepared as a result of a study commissioned by the Netherlands Volunteer Service, the German Development Service and OXFAM QUEBEC gives their number as 84.

Table 18
Women's associations and NGOs, by *département*

Département	*Number*
Atacora	8
Atlantique	38
Borgou	8
Mono	5
Ouémé	11
Zou	14
Total	**84**

Source: Register of NGOs, 1996.

14.6 Pre-cooperative groups

The cooperative movement was seen at a very early stage as an answer to the thorny problem of the shortage of financial and material resources.

The forming of peasants' associations was therefore encouraged. Women, no less than men, are forming groups in order to pursue income-generating activities. In some cases, men and women join together for purposes of production and sale. Such mixed groups are not unusual.

Several State bodies and certain NGOs are involved in providing backing for women's groups. The great number of such bodies (Ministries of Rural Development and of Social Protection and the Family, NGOs, etc.) makes it difficult to obtain reliable data.

Such data as are available to the Rural Promotion and Legislation Board are presented in Table 19 below.

Table 19
Number of women's groups by *département*

Département	*Number of groups*
Atacora	250
Atlantique	156
Borgou	277
Mono	141
Ouémé	74
Zou	138
Total	**1,038**

Source: Data collected by SPAFR/DPLR/MDR.

14.7 Access to drinking water

General situation

The almost regular increase in the budgets allocated to the Ministry of Mines, Energy and Hydraulics, which is responsible for the supply of water to the population, between 1992 and 1997 bears witness to the major efforts being made by the State in that area. From 11,996,258,000 CFAF in 1993 that budget rose to 12,45,718,000, 18,626,803,000 and 13,865,235,000 CFAF, respectively, in 1995, 1996 and 1997. Between 1991 and 1996, 6,685 new water sources (or 1,237 sources a year) were drilled.

Taking into account the 700 water sources already in existence before the "Village Hydraulics" project launched as part of the International Drinking Water Decade, the total number of water sources was 1,937 in 1991 and 3,274 in 1992. In 1996 it had risen to 6,685, to which a further 391 were added during the year. A further 668 water sources were drilled in 1997. These figures testify to a significant development.

The average water coverage rate over the same period is estimated at 69%. Some disparities between *départements* exist. Thus, the coverage rate is 88% in Atacora, 57% in Atlantique, 96% in Borgou, 43% in Mono, 41% in Ouémé and 82% in Zou. Considerable distances between localities in some parts of the country restrict the real possibilities of access to drinking water. This is particularly true of the northern *départements* of Borgou and Atacora.

The authorities are well aware of the importance of water to human life and of the difficulties encountered by women in supplying water to their families. In the interests of good water management, the Village Hydraulics policy of community development ensures close association between women and the water sources management through the establishment of committees composed of 5 to 7 persons, including 2 or 3 women. Their role, which at first consisted simply in taking responsibility for hygiene, has developed considerably over the years. Today, some committee chairpersons and treasurers are women.

Problems of land availability and the difficulty of identifying a groundwater reserve on accessible land still form an obstacle to taking women's wishes fully into consideration in the choice of drilling sites.

The involvement of women in the management of water sources has resulted in a striking reduction of infrastructure maintenance costs. However, some obstacles of a socio-cultural and discriminatory nature still exist. The men on water management committees do not always readily accept being directed by a woman.

The efforts made have certainly improved the living conditions of the rural population and especially of women, no longer confronted by water shortage problems.

The incidence of water-related diseases (cholera, dracunculosis) has diminished.

However, better water management and the survival of installations already provided or still in process of construction depend on the willingness of rural communities to take over responsibility for them. The Village Hydraulics programme is doing its best by providing health education and maintenance training. Three kinds of training are on offer: simple training in situ, group training and retraining. All three form part of the measures accompanying the water supply project. Responsibility for pursuing the community approach within the Village

Hydraulics programme has been entrusted to a woman. This fact testifies to the importance attached to women's participation in these efforts.

Water supply

Table 20, drawn from the 1996 demographic and health survey, shows the percentages of households with different forms of water supply.

Table 20
Breakdown of urban and rural households by type of water supply, 1966

Type of water supply	*Urban*	*Rural*	*Together*
1. Running water inside the dwelling	18.6	0.5	7.5
2. Running water elsewhere	37.8	6,5	18.6
3. Public standpipe	2.3	8.1	5.9
4. Drill-hole/pump	4.8	21.9	15.3
5. Protected well	7.5	9.4	8.7
6. Unprotected well	21.5	21.3	21.4
7. Spring	0.00	0.2	0.1
8. River or pond (*marigot*)	4.3	21.8	15.1
9. Rainwater (cistern)	2.8	8.0	6.0
10. Other rainwater	0.2	2.1	1.4
11. Other	0.0	0.0	0.0
12. Not available	0.1	0.1	0.1
Total	**100.0**	**100.0**	**100**

Source: TBS (Social Log-book) 1999.

The number of households with main water supply has risen over several consecutive years (42,604 in 1992, 7,185 in 1997). The increase rate varies between regions.

Table 21
Number of households with main water supply (clients of SBEE, the Benin Water and Electricity Board), 1992 to 1997

Département	*1992*	*1993*	*1994*	*1995*	*1996*	*1997*	*1998*
Atacora	1,455	1,776	2,113	2,289	2,622	2,820	3,103
Atlantique	24,407	27,060	30,782	32,788	35,155	38,793	41,081
Borgou	3,419	3,950	4,442	4,887	5,771	6,459	6,880
Mono	2,205	2,687	3,420	3,756	4,076	4,445	4,774
Ouémé	6,663	7,576	8,895	9,023	9,963	11,027	11,482
Zou	4,455	5,435	6,164	6,762	7,595	8,314	8,482
Total	**42,604**	**48,494**	**55,814**	**59,505**	**65,182**	**71,858**	**75,738**

Source: Extract from Table 207, p. 138, TBS 1999.

14.8 Access to electricity

Access to electricity continues to be a matter of concern to the State. Distribution across the national territory is irregular and many localities are still living with traditional lighting (storm lanterns, oil lamps, lanterns) or, in some cases, electric torches.

Families and enterprises obtain access to electricity by becoming clients of the Benin Water and Electricity Board (SBEE). This is not possible in all rural and poorer areas because of lack of infrastructures and financial means.

Table 22 below shows the distribution of households with electricity supply (clients of SBEE) from 1992 to 1997.

Table 22
Development in the number of SBEE clients (electricity supply) by *département*, 1992-1997

Département	*1992*	*1993*	*1994*	*1995*	*1996*	*1997*
Atacora	2,027	2,258	2,421	2,710	2,966	3,270
Atlantique	48,607	54,063	58,259	63,947	70,743	80,650
Borgou	5,931	6,676	7,140	7,680	8,470	9,485
Mono	4,159	4,811	5,718	6,576	7,501	8,358
Ouémé	15,506	17,036	18,289	20,171	22,465	24,636
Zou	6,475	7,514	7,838	8,795	9,770	10,867
Total	**82,705**	**92,358**	**99,665**	**109,879**	**121,915**	**137,266**

Source: Social Log-book, 1999 edition.

The figures in the table conceal some disparities.

The SBEE's electric power supply is inadequate. Efforts are being made to compensate for shortages by the use of solar energy. Certain rural localities obtain part of their supply from solar panels.

14.9 Private initiatives in the service of rural development

The shortage of human resources experienced by Benin since its adoption of the structural adjustment programme has served as the point of departure for intense and fruitful cooperation between State institutions and NGOs.

This cooperation is based on sub-contracting arrangements between the State and the NGOs in a number of areas (training, project execution, project monitoring and evaluation, etc.).

Thanks to the support of 26 national and international NGOs, PILSA is implementing its plan of action for the benefit of 23 women's groups and 89 mixed-sex groups in villages, including some extremely remote ones. A total of 1,148 women as against 857 men (57.25% women) belong to these groups.

All these micro-financing institutions are developing support activities designed to provide women and men with the necessary skills in the successful

management of their micro-enterprises. In particular, training is offered in subjects such as literacy, elementary bookkeeping, preservation of agricultural produce, etc.

14.10 Participation of rural women in international meetings

As part of its policy of advancement of women and changing backward mentalities, the Netherlands Volunteer Service organises meetings between Beninese rural women and their participation in international women's conferences. Thus, a delegation of rural women from Cobly and Dobgo took part in the Fourth World Conference of Women in Beijing, where it contributed to the debate on the situation of women throughout the world. These women have also taken part in exchange trips with rural women in the Netherlands.

14.11 Rural development planning

Projects are the result of initiatives based on a series of consultations and studies on various aspects of the problems to which the projects are expected to provide solutions.

At the data collection stage, all population components are questioned about their aspirations.

Women are invited to take part in such consultations in connection with the establishment of community infrastructures such as village pumps, maternity hospitals, schools, etc. But the final decision often has to be taken in the light of parameters that are subject to unavoidable constraints. That is the case, for example, with the sites of village wells or pumps, which depend on the location of groundwater. Long-standing conflicts between individuals or communities are sometimes revealed when one party opposes the choice of site for a community infrastructure.

In some cases, the difficulty is purely a matter of belief or superstition (e.g. where a health centre is to be built not far from a cemetery). This may become an argument for the village people not to attend the health centre. The story of the Savè health centre is edifying in this connection.

For reasons of profitability, those responsible for credit-savings or savings-credit projects sometimes feel obliged to include operating costs in the calculation of interest rates. Women are often reluctant to agree to such measures.

14.12 Organization of the Ministry of Rural Development

The Ministry of Rural Development is eager to be as close as possible to the country's peasants, both women and men.

Its work is organized as far as possible to meet this concern. The Minister is represented in each *département* by a Regional Action for Rural Development Board (CARDER), each with its own technical boards and services. Each sub-prefecture has its CARDER section, with sub-sections in the communes and specially appointed agricultural popularisation agents in the villages. The last-named form the basic echelon to which rural women and men can apply for advice in agricultural matters. These agents have to live in the village in which they work.

However, as a result of the implementation of the project for the restructuring of the agricultural sector and the national programme of voluntary retirements from

the civil service, the number of "proximity staff" in the agricultural sector has fallen considerably. Only about one-third of the sector's personnel requirements are covered at present.

A new approach to agricultural popularisation was adopted in 1992 in the hope of resolving the difficulties resulting from the acute shortage of "proximity staff". It consists in setting up contact groups on the basis of a village-level participatory approach. A total of 50,888 contact groups, including 10,680 women's groups (21% of the total), have been established.

In addition, 666 coordinating committees have been set up with a total membership of 5,558, including 973 women, or 17.5%.

14.13 Training in support activities aimed at the rural population

Many training courses have been provided for organizers and similar personnel in the agricultural sector. Different types of training are given, including training based on the "gender and development" approach. Training has been given at both central and fieldwork level. The number of staff having received various forms of training is shown in Table 23.

Table 23
Staff having received training (breakdown by year and by gender)

Year	*Number by gender*		*Total*
	Women	*Men*	
1995	284	1,865	2,149
1996	Not available	Not available	7,784
1997	241	453	694
Total	**525**	**2,318**	**10,627**

Source: Data from DIFOV/MDR.

The data are gender-disaggregated with the exception of the figures for 1996, where only the total is available.

In addition, 20,702 staff of all categories received training between 1995 and 1998 in such subjects as produce conservation, training of growers and farm labourers, principles of cooperative management, village-level participatory approach, etc. However, disaggregated statistics were not regularly kept, making it impossible to describe the training policy aimed specifically at rural women.

14.14 Marketing of agricultural produce

The State has set up machinery for marketing produce such as cashew and palm nuts, cotton, tobacco, etc. Only the cotton market, however, is properly organized all the way down to producer level.

Growers form their own associations at village and *département* level (sub-prefecture producers' unions, departmental unions) with a central office at their head.

There are few women growing cotton, Benin's most profitable product. They are therefore almost entirely absent from the above-mentioned associations.

14.15 Women and the land ownership problem

Families in Benin are generally patrilinear. Land ownership rights pass from father to son.

It is therefore exceptional for a daughter to inherit her father's land. This state of affairs is practically universal and is accepted by all. But a daughter can inherit from her mother.

Rural women are therefore faced with the problem of cultivable land. Generally only impoverished land unwanted by the husband and other male family members is available to women for cultivation. Parents will sometimes allow a daughter to cultivate their land.

Women are therefore obliged to rent land if they have the means to do so.

More and more, however, women with financial means are buying cultivable land, which they then proceed to work.

We should add that parents today, especially among the more developed strata of the population, are not always guided by gender considerations in apportioning their property among their children. But this new approach has not yet become general.

Article 15. Equality before the law in civil matters

15.1 General principles

Equality of men and women before the law is a principle affirmed by the Constitution in its article 26 and in the African Charter of Human and Peoples' Rights in its article 3. Under the law in force in Benin, women are treated on an equal footing with men as regards legal capacity to conclude contracts and administer property. They can act as executors of the wills of their deceased parents or spouse. Joint property is administered in accordance with the law and without discrimination from the moment of acquisition, which may be before, during or after marriage.

The national laws do not provide for any forms of contracts or special provisions requiring women to renounce their personal negotiating rights in matters involving them.

However, legislative and judiciary practice in Benin is based upon a legal duality: the provisions of the Civil Code and the customary law of Dahomey.

The Civil Code (article 1108) provides four essential conditions for the validity of an agreement: the consent of each party, the capacity of each party to contract an agreement, a specified object and a lawful cause.

Article 1123 of the Civil Code provides that anyone can contract an agreement unless declared incapable by law, either because he/she is a minor or emancipated minor or because he/she is a protected major (e.g. a ward of the nation).

Analysis of these provisions does not reveal any limitation as to the contracting parties' gender. This means that Beninese women have full capacity to conclude contracts of any nature or form. Women also have the right to conclude contracts in matters of credit, but the husband's consent is required in some cases.

In customary law, women do not have legal capacity. "Only in practice do women have any importance. Thus, they often administer the household, and they may constitute a small capital for themselves by selling certain objects of their own making. A wife forms part of the husband's chattels and inheritance" (article 27 of the customary law of Dahomey).

The bride's consent is not required for marriage. A widow is generally inherited and marries the natural heir of her husband (article 162). A widow who opposes such a marriage must repay all or part of the bride-money (article 166).

Women also face difficulties in matters of succession.

Articles 256 to 259 of the customary law of Dahomey describe the rules governing succession. These rules vary with the region, ethnic group and gender. The general rule is that direct descendants inherit from their parents or collaterals.

Daughters always inherit loincloths, ornaments and household utensils, or moveable goods, or in any case a smaller share of property than the sons.

As a general rule, daughters inherit from their mother. According to some customs they can, like men, inherit from both their father and their mother, but then they will perhaps get a cocoa or kola-palm plantation but never a palm grove, except if the father has died without any male issue, or if they have no brother.

Today, customs are evolving and some are no longer applied to the letter. But the situation is difficult to evaluate, especially in view of the high rate of illiteracy in the Benin countryside.

Although women are equal to men before the law, they are often exposed to violence on the part of their husbands' families and their parents-in-law who refuse to respect their rights. Such cases are frequent in both villages and towns and in all strata of society, whether illiterate or educated.

The Code of Persons and the Family sets out to resolve this legal dualism by providing for equality of the sexes in civil matters (marriage, succession, etc.).

As already stated, this draft code has yet to be adopted by the National Assembly.

15.2 Representation before the courts and equality of access to legal services

Men and women are equal before the law (articles 26 of the Constitution and 3 of the African Charter). Presumption of innocence, protection against torture and all forms of cruel, inhuman or degrading treatment, protection against arbitrary detention and a guaranteed right to health protection in the event of detention are rights recognized in Benin's legal arsenal and guaranteed to all without distinction as to sex. These provisions are set forth in articles 15 to 19 of the Constitution and

article 7 of the African Charter. Consequently, women enjoy the same access as men to all existing legal services. They can bring matters to court and their testimony is fully valid in court cases.

Judgements of Beninese courts, viz., sentences of imprisonment, fines or damages with interest, do not depend on the gender of the accused.

Legal assistance is compulsory, without distinction as to sex, in cases provided for by law, e.g. criminal and juvenile court proceedings.

In other cases, women with sufficient means can hire the services of a lawyer or some other legal adviser. Free legal services are offered by certain NGOs.

15.3 Exercise of judiciary duties

Women in Benin exercise judiciary duties and, like their male colleagues, are perfectly well integrated therein. In 1997 there were 20 female judges and 6 female clerks of the court, including two chief clerks of the court.

1. Number of women judges compared to the number of men

2. Number of women barristers compared to the number of men

For several years, the duties of Prosecutor-General were performed by a woman. Women have, for a long time, served as presidents of important courts such as those of Cotonou and Porto Novo.

Fifteen women exercise the profession of barrister. They have no difficulty in representing their clients before the country's courts and tribunals. A woman has served as President of the Bar.

Women also serve as members of the jury in the Court of Assizes. They are called upon to do so regardless of the nature of the case.

15.4 Commercial contracts

The Commercial Code does not formally discriminate between men and women engaging in trade or proposing to do so.

15.5 Women and contraception

Contraceptives are supplied to women only with the husband's permission. In practice, however, women can obtain contraceptives from certain pharmacies.

15.6 Women's rights as regards property administration

Unmarried women have the right to administer property without the intervention or consent of a man.

Married women, too, have this right. But in some cases the husband intervenes in order to help his wife. Widows sometimes meet with difficulties in the enjoyment of this right. The deceased husband's family generally has a say about the property he leaves behind and will often try to take the widow's place in administering it. When approving family council records, courts endeavour to guarantee the widow's right to administer her late husband's property and act as the guardian of her minor children. If the marriage was polygamous, it is difficult to entrust the administration

of the husband's property to any one of the wives. In such cases, the husband's brother or an older son or daughter is usually chosen as the administrator.

The standard rule in all cases is that the wife enjoys all rights on a par with the husband.

15.7 Freedom to travel and to choose one's place of residence

The principle of freedom of movement is enshrined in the Constitution (article 25) and in the African Charter of Human and Peoples' Rights (article 12). There exists no restriction based on gender. Women therefore have the same right as men as regards the freedom to choose their residence and domicile. The same rights are accorded to immigrants of either sex when they are allowed to bring their spouses, partners and children into Beninese territory. Neither modern nor customary law nor existing customary practice places any restriction upon women's enjoyment of this right.

We should stress that practice in this respect varies depending on whether the marriage is or is not polygamous.

It is customary for the wife to reside with the husband except where a joint decision to the contrary has been taken by both spouses.

In cases of polygamous marriage or of major problems (conjugal conflict, financial difficulties, etc.), the husband may agree to the wife's living away from his domicile. A man may live with several wives under his roof or else he may have several domiciles depending on the number of wives.

In any event, a married woman's place of domicile depends on that of her husband. Failure to live together is a ground for divorce.

In all cases, marriage restricts a woman's right to the unilateral choice of her place of residence.

In the event of divorce or separation she may return to her original domicile. In practice, she can return to her family or establish another residence depending on her means.

Article 16. Equality in matters relating to marriage and family law

16.1 General situation with regard to matrimonial law

According to the Demographic and Health Survey of 1996, the population of Benin can be divided into six categories:

- Single persons;
- Married persons;
- Persons living in partnership without being married;
- Widowed persons;
- Divorced persons;
- Persons who are married or living in partnership but separated from their spouse or partner.

In table 24 the population is broken down by gender, age and category.

Table 24
Distribution (per cent) of women and men according to present matrimonial status and age, 1996

Distribution (per cent) of women and men by present matrimonial status and age								
	Present matrimonial status							
		Married or living with a partner						
Age bracket	*Single*	*Married*	*Living with a partner*	*Widowed*	*Divorced*	*Separated*	*Total*	*Number*
Women								
15-19	70.9	24.5	4.1	0.1	0.3	0.1	100.0	1,075
20-24	20.5	67.7	9.4	0.5	0.4	1.5	100.0	1,020
25-29	5.7	80.6	10.2	0.3	0.7	2.4	100.0	964
30-34	1.6	84.8	8.7	1.8	1.3	2.0	100.0	766
35-39	0.6	86.0	6.4	3.1	1.9	2.0	100.0	693
40-44	0.2	82.5	8.7	4.0	2.3	2.2	100.0	527
45-49	0.3	83.5	4.5	7.5	1.8	2.3	100.0	447
Total	**19.0.**	**68.9**	**7.6**	**1.8**	**1.0**	**1.7**	**100.0**	**5,491**
Men								
20-24	72.7	25.2	0.4	0.0	1.0	0.7	100.0	295
25-29	35.1	56.6	6.3	0.0	0.4	1.6	100.0	247
30-34	10.2	72.3	10.8	1.4	3.3	2.0	100.0	217
35-39	2.7	81.6	10.8	0.5	2.8	1.6	100.0	201
40-44	3.2	88.2	4.4	0.6	2.3	1.3	100.0	175
45-49	1.3	86.9	5.6	1.5	2.2	2.6	100.0	137
50-54	0.0	96.5	1.0	0.0	1.7	0.7	100.0	116
55-59	0.0	85.1	7.0	1.6	3.9	2.4	100.0	73
60-64	1.3	84.7	2.9	2.4	7.1	1.6	100.0	74
Total	**22.0**	**68.1**	**5.6**	**0.7**	**2.2**	**1.5**	**100.0**	**1,535**

Source: Demographic and Social Survey (EDSB), 1996, p.74.

It will be noted that 69% of women are listed as married or living with a partner, while 8% described themselves as living with a partner. The corresponding figures for men were 74% and 6%.

Polygamy concerns 50% of women aged between 19 and 49 and 33% of men between 20 and 44 (see table 25 below).

Table 25
Polygamy

Among women and men currently married or living with a partner, percentage of those in a polygamous union (by socio-demographic characteristics and present age), 1996

Characteristic	*Age bracket*								*Total*
	15-19	*20-24*	*25-29*	*30-34*	*35-39*	*40-44*	*45-49*	*50+*	
Women									
Residing in									
Town	7.1	32.9	41.2	43.1	50.6	61.9	63.6	–	45.4
Countryside	4.1	41.8	49.5	53.9	58.8	64.4	60.8	–	51.9
Département									
Atacora	6.3	40.8	49.1	55.9	47.9	56.3	52.5	–	49.2
Atlantique	17.2	20.8	31.6	36.0	48.7	57.7	58.3	–	37.5
Borgou	32.6	45.2	50.0	49.7	65.1	60.3	54.6	–	51.7
Mono	0.9	51.6	58.8	60.2	78.8	79.1	75.9	–	63.6
Ouémé	25.0	36.1	39.7	47.2	43.9	64.0	50.6	–	44.7
Zou	6.8	38.7	49.9	55.3	56.1	68.0	72.9	–	52.9
Educational level									
None	35.9	42.1	49.6	54.0	58.2	65.2	62.4	–	52.7
Primary	1.1	32.1	44.4	39.4	56.2	60.5	56.3	–	42.8
Secondary and higher	48.4	19.4	26.7	33.3	24.2	41.7	51.0	–	29.6
Total, women	**35.1**	**39.0**	**46.2**	**49.8**	**56.2**	**63.6**	**61.6**	**–**	**49.6**
Men									
Residing in									
Town	–	0.0	21.4	29.0	27.8	26.4	39.3	37.7	28.8
Rural	–	2.1	20.0	31.5	41.3	39.3	39.9	44.7	34.9
Département									
Atacora	–	0.2	42.9	31.5	36.8	39.2	50.4	35.4	36.1
Atlantique	–	0.0	17.9	13.2	22.1	25.9	25.5	41.8	22.9
Borgou	–	17.7	33.4	32.2	40.2	38.6	31.0	35.3	34.5
Mono	–	8.8	6.8	52.8	59.6	77.9	66.1	60.0	50.4
Ouémé	–	9.7	17.2	30.8	22.7	19.8	45.5	36.6	27.6
Zou	–	5.4	9.1	31.6	51.9	29.5	32.7	48.0	32.6
Educational level									
None	–	6.9	25.3	32.8	43.6	38.8	44.3	42.5	37.0
Primary	–	5.6	11.7	32.8	37.8	30.1	33.9	38.1	28.5
Secondary and higher	–	38.0	23.3	23.6	19.9	26.5	19.8	54.7	26.3
Total, men	**–**	**9.2**	**20.5**	**30.5**	**36.0**	**34.2**	**39.7**	**42.4**	**32.8**

Source: EDSB, 1996, p. 76.

16.2 General provisions on marriage

Family relations are governed by civil, customary and religious laws.

A distinction is made between marriages celebrated according to the provisions of the Civil Code in force and those declared before a registrar of births, marriages and deaths. Declaration of marriage regularizes a marriage celebrated according to custom or a religious rite.

A marriage celebrated according to the provisions of the Civil Code is monogamous, whereas declaration of marriage is governed by customary law, which accepts and legitimizes polygamy. The discrepancy between these two forms of marriage is important in Benin's family law and reveals the differences existing between families and within society as a whole.

16.3 Civil marriage with a marriage contract

This is the form of marriage least used in Benin. The spouses, in the presence of the registrar, draft a contract by which they opt for the monogamous system. They also choose between "joint property" and "separation of property" regimes.

16.4 Declaration of marriage

This is the form most widely used by spouses presenting themselves before the registrar of births, marriages and deaths. It does not involve either monogamy or a marriage contract. In other words, it permits polygamy.

We must point out that the population in general is not always aware of the different forms of marriage possible before the registrar. Women, in particular, expect great things from marriage without thinking of the possibility that the man may marry other wives as well.

We also point out that civil marriages with a marriage contract and declarations of marriage, both of which are registered by the registrar, do not concern the majority of the illiterate population, which considers customary marriage perfectly good enough.

All these parameters must be taken into account with reference to marriage in Benin. In important surveys it is preferable to speak of men and women who are "married or living with a partner".

16.5 Marriage according to custom

All marriage, whatever form it takes, is considered to be serious and sacred. All family members are expected to contribute towards consolidating it.

Traditional marriage is contracted on the basis of payment of bride money to the family of the bride or, more rarely, by barter. The bride price varies between town and country and also depends on the spouses' standard of living. Sometimes it is established according to tradition and remains highly symbolic. It may also be paid in kind.

In rare cases, depending on the region, the bride's family pays a dowry to the groom. This consists in the purchase of kitchen utensils, bowls, loincloths, etc. It is mostly a matter of providing goods essential to the satisfactory running of the household.

Forced marriages

Women, like men, have the right freely to choose their spouse. However, there exist survivals of traditional practices whereby a daughter's husband is chosen without her consent (forced marriages). This phenomenon is noticeably on the wane.

The practice of levirate

Levirate, which exists in certain customs, consists in marrying a widow to her deceased husband's natural heir or, failing that, to another member of his family. The woman thus remains in the husband's family and continues to enjoy its protection.

In case of refusal, the woman loses the family's protection and must bring up her children alone. Certain customs require the repayment of a part of the bride money.

16.6 Religious marriage

Religious marriage may be either Christian or Muslim. Both impose upon husband and wife the obligation to live together. Family relations are governed by the laws of the religion concerned rather than by official civil law. Religious marriage by itself has no legal consequences in terms of the relations between the spouses.

Roman Catholic marriage, for example, is founded upon canon law. Husband and wife consecrate their union to God and vow to keep faith with each other. They owe help, assistance and fidelity to one another.

Muslim marriage devotes the relations between the spouses and their life as a couple to God. Polygamy is allowed, but the husband owes the same degree of affection to all his wives and must treat them equally.

16.7 Minimum age for marriage

The civil majority age is set at 21 years for both sexes. The minimum age for marriage, however, varies depending on the form of marriage chosen. Under civil law, "a male aged less than 18 years and a female aged less than 15 years may not contract marriage" (article 144 of the Civil Code). Marriage cannot be pronounced without consent (Civil Code, article 146).

Article 57 of the customary law of Dahomey sets the age of marriage at 14-15 years for girls and 18-20 for boys.

Divergences are, however, reported depending on the ethnic group and sometimes on the form of marriage.

Thus, marriage among wealthy Bariba and Goun can take place at the age of 10-12 years if the bridegroom undertakes not to "touch" the bride before the age of 18-20. Among the Goum, the bride must have had 12 menstrual periods before being married. Among the Somba the marriageable age for men and women is 30 and 20, respectively. Among the Pila Pila, the boy must be 15-16 years old before he may consummate the marriage. Among the Fon, couples who contract an "Adomevo" marriage must be aged 40 or over.

The Mandel Decree of 1939, for its part, sets the marriageable age at 14 for girls and 16 for boys.

Whatever the form of marriage, the minimum marriageable age is not generally respected in practice. This is due, on the one hand, to the diversity of existing customs and, on the other, to the influence of foreign civilizations on Benin's young people. The de facto minimum age for marriage among the young tends to depend upon the duration of their studies.

16.8 Disparity between men and women as regards the minimum age for marriage

The draft Code of Persons and the Family, currently in process of adoption, places special emphasis on everyone's right to a legal personality. Article 1 of the draft provides as follows: "Every human person, without any distinction, in particular as to race, colour, sex, religion, political or any other opinion, national or social origin, wealth, birth or any other situation, is a subject in law from birth to death".

Article 123 of the draft code does not resolve the problem of disparity between the marriageable ages for women and men. It reads as follows: "Marriage may only be contracted between a man aged at least 18 years and a woman aged at least 18 years, except where a special dispensation is granted for a valid reason by an order of the President of the Court of First Instance at the request of the Public Prosecutor's Office".

Article 126 specifies the formal conditions for marriage and sets forth the principle of the legality of marriage, as follows: "All marriages must be celebrated by a registrar of births, marriages and deaths under the conditions provided by law. Only a marriage celebrated by a registrar has legal effect. Ministers of religion may not conduct a religious marriage ceremony before a marriage certificate has been presented to them".

The essential conditions for marriage are likewise provided for.

The principle of free consent of the future spouses, even if under age, is set forth in article 119. Each spouse has legal capacity, but the rights and powers of each spouse are limited by the effects of the matrimonial regime and other clearly specified circumstances.

16.9 Child betrothal and child marriage

Custom permits early marriage of children from birth and in childhood. Such marriages may be contracted on the basis of bride money or by barter. This is a favoured practice whereby the husband or wife is chosen by the parents or the extended family during his/her childhood or adolescence. Such marriages can be arranged between two children or between a child and an adult. In such cases, the girl on reaching puberty is handed over to her husband or his family with or without her consent. She may be married by force.

Nowadays such practices frequently end in failure, children – especially girls – increasingly choosing their partners for themselves. Parents, having exchanged promises and undertakings with their child's future partner or his family, and fearing that the daughter may decide to choose for herself, try to marry her off quickly,

either by handing her over to the groom's family or by abduction. Marriage by abduction is a common practice in some regions. A woman married in this way is supposed to be worth a little more than one who was not abducted.

In spite of everything being done by the State and the NGOs, cases of early and forced marriage still exist today. Cases are dealt with in court of law if the victim brings a complaint.

16.10 Minimum age of consent

A minimum legal age for the consummation of the sexual act does not exist in Benin.

Some provisions in customary law prohibit sexual intercourse before the age of 18 or require a certain number of menstrual periods prior to child marriage.

The Penal Code treats as aggravated rape a sexual act consummated upon a minor aged less than 13 years (article 332 of the Penal Code).

But undeclared customary marriage and various kinds of religious marriage are still rife. Spouses married in this way have to declare the marriage before a registrar of births, marriages and deaths, failing which the marriage creates no legal obligation between the spouses and is without effect in the eyes of the law.

16.11 Rights of spouses within the family

For all these reasons, the question of equality within marriage and the family is a thorny one, especially in customary law, which favours polygamy and thus enables the husband to take several wives and to set one of them above the others. Article 122 of the customary law of Dahomey provides that the wife owes obedience and fidelity to the husband. The husband, for his part, must "treat his wife well and house, feed and clothe her. He is not obliged to be faithful. He generally owes his favours to all his wives ... . He must also help his wife's family if it falls into misfortune or is in straitened circumstances".

In polygamous marriages, the husband's rights and responsibilities towards his wives and those of the wives towards their husband differ little from those of monogamous marriage. The rights and duties of the spouses are the same.

The husband's inheritance is shared by all eligible parties without exception.

16.12 Rights of married women

Women have the same rights as men as regards the choice of profession or occupation. These rights are not altered by marriage.

Married women freely choose their professions and occupations, sometimes by agreement with the husband.

They have the right to own and acquire property. They also have the right to administer and manage the household goods.

Women in Benin exercise their rights. Those in the countryside are often ignorant of their rights. But private bodies and NGOs are working on this problem.

16.13 Rights of women in cases of cohabitation

Cohabitation is not recognized by law but is a common practice. Consequently, where there are children of such a union, they are considered to be children of the household having the same rights as legitimate children.

Free union, partnership and other forms of cohabitation are not highly thought of in Beninese society. They are regarded as a form of depravity or prostitution and are not well tolerated, although they do exist.

In the event of separation, cohabitants are entitled to child support.

16.14 Rights of widows

Widows do not have inferior status in Beninese society.

As regards the deceased husband's succession, the administration of property depends on the marriage regime (joint or separate property). In principle, women administer their property freely.

It sometimes happens that when a husband dies, his parents will try to administer the inheritance in a manner prejudicial to the interests of the widow and the children, especially if the latter are still minors.

Widows are often subjected to traditional ceremonies, which are sometimes very harsh. Widowed men have no such constraints put upon them.

It must also be reported that women whose husband dies are exposed to all kinds of exactions. The husband's family may expel them from the family home and/or seek to separate them from their children so as to take their place as the administrator, guardian or deputy guardian of the property.

16.15 Rights of women in the event of divorce

The enjoyment of property within the home is not subject to any limit.

Anyone, irrespective of gender, has the right to divorce. "Divorce" here means the legal dissolution of the bonds created by marriage or by a declaration of marriage before the registrar of births, marriages and deaths.

Whether the divorce is registered or not depends on the type of marriage. It is registered in the case of a civil marriage or a declaration of marriage before the registrar. In such cases divorce is pronounced after a judgement in accordance with the conditions prescribed by law.

Following the dissolution of a marriage the court decides, where necessary, how the property is to be shared. Women are entitled to alimony in the event of divorce, especially if they have the care of the children.

The value of a woman's work in the home or on the land is difficult to evaluate and often creates a problem in the apportioning of property. In general, women tend to be disadvantaged, especially if the goods were initially acquired in the husband's name. Women who have spent a lifetime working at their husband's side may find that all the property goes to him in the event of divorce or separation. The regime of separation of property, which operates in the case of declarations of marriage, is more favourable from this point of view.

Right to child support in the event of cohabitation

If a child is born to a cohabiting couple, the right to child support is maintained after separation.

Execution of the court's decision in the event of separation or divorce

The execution of the court's decision often gives rise to problems. The parent required to pay child support often fails to distinguish between his duty to maintain his children even after separation and his personal conflicts with his spouse or partner. Distraint orders sometimes have to be issued. However, these are difficult to enforce in the case of persons not receiving a wage.

16.16 Parental responsibility

In law, the parents' parental responsibilities are more or less the same. The father is the head of the family and the woman is recognized as being responsible for bringing up the children. In family decision-making, on the other hand, the woman's views are often ignored, especially in the traditional context. In some traditions, the upbringing of daughters and their preparation for marriage are essentially left to the mother.

16.17 Contraception for married women

Women's use of contraceptives is influenced by their environment. In this matter, custom favours decision-making by the husband or another member of the family (Demographic and Social Survey 1996, p. 68).

Almost a quarter of the women questioned in the survey (23%) said that they were opposed to contraception and 21% explained their non-use of contraceptives by the wish to have more children. As for the men, 15% were opposed to contraception and 43% justified their non-use of contraceptive methods by the wish to have more children.

Many family planning activities are in progress.

National and international meetings on the subject have been held. UNFPA and the Family Planning Association of Benin (ABPF) are setting up advice centres and developing training and awareness-raising activities among women.

In practice, the husband's permission, regarded as an obstacle in the matter of women's reproductive health, is no longer required for contraceptives to be issued to a woman. Upon coming of age, a woman is free to express her wishes in this matter.

Family planning has been popularised and is practised, but those involved in promoting it remain concerned by the continuing existence of the Act of 31 July 1920, which prohibits abortion and contraception propaganda. Action is in progress with a view to updating this Act or eliminating it from Benin's arsenal of laws for the protection of women.